

in the U.S. Senate with Paul Coverdell. He fought fairly, was gracious in victory and honorable in defeat.

My sympathy goes out to his wife, Nancy, and other family members and to the people of Georgia.

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the senior Senator from Georgia, Paul Coverdell, who passed away Tuesday in Atlanta.

While Senator Coverdell and I came from different political parties and ideologies, we shared several things in common. We both served our country in the U.S. Army, and after our service we both returned home to run successful businesses.

With our military and business background we decided to turn our attention to serving the public, and Senator Coverdell had an impressive record of public service.

Senator Coverdell served in the Georgia State Senate—rising to the position of minority leader. He then served as Director of the Peace Corps under President Bush, focusing on the critical task of serving the emerging democracies of post-Soviet Eastern Europe. In 1992, he was elected to serve in the United States Senate.

Although we failed to agree on many issues before this body, Senator Coverdell always demonstrated honor and dignity in this Chamber. He argued seriously for the positions he believed in. When he pushed legislation to fight illegal drugs or promote volunteerism, it was obvious that his heart was always in it. And his motivation was sincere and simple—to help the people of Georgia and the Nation.

I send my deepest sympathies to his wife Nancy, his parents, and the entire Coverdell family. I also extend my sympathy to the people of Georgia.

We will all miss Senator Paul Coverdell of Georgia.

Mr. L. CHAFEE. Mr. President, I rise today to express my sympathy to the Coverdell family and my own sorrow at the death of Senator Paul Coverdell. May his family find solace in their memory of Paul's many contributions to a better Georgia, a better United States, and a better world. I followed Paul onto the Foreign Relations Committee and also into his chair of the Western Hemisphere Subcommittee. I will do my best to carry on your good work there, Paul.

As many people have said, Paul Coverdell was a gifted communicator. To every organization those skills are valuable and especially here in Congress. Perhaps Paul learned those skills at the prestigious Missouri School of Journalism from which he graduated. But I suspect, despite having known him only a short time, that Paul's easy manner and obvious kindness were inherent traits. He was a natural communicator and we mourn his loss.

Once again, my heartfelt sympathy to Nancy and all of Paul Coverdell's family and friends.

Rest in peace.

Ms. COLLINS. Senator Paul Coverdell was a rare and wonderful man—and a spectacular Senator. Anyone who had the good fortune to work with him left more hopeful, more committed, more convinced we could all make a difference.

Much is being said about his extraordinary ability to get things done; I would like to talk about how he was able to accomplish so much. Senator Coverdell had many talents, but perhaps the secret to his success was high ability to bring people together. In times of friction, fractiousness, and pressure, he was always the one who remained focused and calm in the eye of the legislative storm.

It was a common for him to hold meetings in his office where conservatives and moderates, strategists and ideologues, listened to each other, shared ideas and figured out not just ways of accomplishing diverse goals, but also what those goals really should be. And his energy and willingness to take on the most difficult task with little public recognition or thanks was legendary.

Senator Coverdell was a man who listened. He listened to Senators and staff and policy experts. He listened to those he agreed with and those he didn't—and merged it all into a comprehensive, concise and workable plan. He respected all individuals with an honesty and sincerity that set the tone for working together.

Most of all, and through it all, Senator Coverdell was kind and gracious in his dealings with everyone. The country, his state, and all of us who have been privileged to know him will miss him terribly. We join in praying for his family as they suffer his loss. We have all lost a very good friend.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending Cochran amendment be laid aside.

Mr. REID. Objection.

Mr. COCHRAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, at the appropriate time I intend to propose an amendment. I will be glad to discuss it at this time. Perhaps the Senator from Nevada could clarify for me when it might be appropriate.

Mr. REID. Mr. President, when Senators VOINOVICH and LEAHY took the floor, the purpose was to allow them to speak about our dearly departed friend. At the time the quorum was called for, we were trying to resolve this issue that was on the floor—the Harkin amendment and the second degree by

the manager of the bill. We are almost ready to do that. I was asked by the Senator from Iowa to hold things up until that was resolved. That is why I offered the objection. We should be in a position soon to move forward, but I think the Senator should go ahead and speak.

Mr. MCCAIN. Mr. President, is it the desire of the distinguished manager, the Senator from Mississippi, that I go ahead and discuss the amendment or wait until a resolution of the pending Harkin and Cochran amendments?

Mr. COCHRAN. Mr. President, I have no objection to the Senator proceeding. I think it would expedite the proceedings of the Senate if he would discuss his amendment.

Mr. MCCAIN. I thank the Senator.

Mr. President, I am prepared to enter into a time agreement on this amendment. Whatever is agreeable to the Senator from Mississippi and the Senator from Wisconsin would be fine.

I will be proposing an amendment, joined by Senators GREGG and SCHUMER, that will stop the Federal Government from wasting taxpayers' dollars on an unnecessary and outdated sugar program that costs consumers as much as \$2 billion in inflated sugar prices.

I ask unanimous consent to have Senator LUGAR added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. The amendment is simple. It withholds funding for the costly Federal sugar program for fiscal year 2001.

Mr. President, my colleagues and I are here today to say enough is enough. The American taxpayers have subsidized the sugar industry, with price support loans and strict import quotas in various forms, since 1934. Each year American taxpayers pay close to \$2 billion in artificially high sugar prices and this year paid an additional \$60 million to bail out sugar producers facing massive loan defaults.

We're not here today to dispute the choice of sugar as a consumer product. Most Americans buy some type of sugar product on a daily basis—a can of soda or a candy bar—and most Americans buy various types of sugar products every time they shop in a supermarket. What we object to, as consumers purchase these products, is that the federal government is unfairly overcharging them.

The sugar program has outlived other agricultural commodity subsidies that have since been phased out through past farm bills. However, the retention of this flawed program has not been dictated by common sense or sound economics, but political influence.

Originally, the sugar program was intended to prop up sugar prices to ensure a profit for sugar farmers. Unfortunately, the higher prices result in

the usual "trickle-down" effect. Food companies have to pay the higher price for sugar, which is then passed on in the form of higher prices for sugar products. The average consumer ends up paying the cost of sugar subsidies in the grocery store.

Let me take a few moments to explain why federal assistance for the sugar program should end.

First of all, it is unfair to American consumers. A recent GAO report confirms what we have known all along, that American consumers pay close to \$2 billion each year in inflated sugar prices. Mandatory price quotas are imposed on American-grown sugar at roughly 22–24 cents a pound compared to 6 cents a pound for sugar grown in other parts of the world.

This past year, in 1999, U.S. sugar prices were four times higher than the world price.

The benefits of the sugar program are hopelessly lopsided. Approximately 42 percent of all sugar program benefits go to 1 percent of growers. These are not small family farmers, but big sugar tycoons who obtained millions through this federal subsidy. Four sugar cane companies in Florida received more than \$20 million. One grower receives close to \$65 million annually from this subsidy. About 30 sugar growers were also able to collect one million each from this subsidy. That is not small business; that is not a small farmer.

Mr. President, these sugar growers—and I will be naming them and identifying them—have been incredibly generous politically. They have been heavily involved in contributing to both parties in very large amounts of money.

Second, the federal sugar program is anti-free market and anti-free trade. The sugar program severely limits imports of lower-priced foreign sugar into the American market so farmers can make a profit through higher prices.

The end result, unfortunately, is that this overpricing has caused an overproduction of sugar. This excess supply of sugar drives prices below the guaranteed price level. This type of policy is absurd and has damaged our credibility in the world market.

Large-scale sugar growers in Florida contribute directly to the devastation of the Everglades wetlands through increasing sugar cane production. Again, high sugar prices lead to overproduction of sugar. Florida's sugarcane industry is situated near one of America's most pristine freshwater lakes. The direct conversion of sensitive wetlands to sugarcane production and the accompanying agricultural runoff flowing into the Everglades have a direct impact in the decimation of one of America's most treasured ecosystems.

For years, sugar cane producers were able to resist and avoid any responsibility for cleanup. The small portion they are now required to pay for clean-

up hardly makes a dent into the billions estimated for restoration of the Everglades.

Who makes up the difference in these costs? Again, the taxpayers make up the difference by paying nearly a third of the restoration costs.

I have spent a fair amount of time in the State of Florida. There is a growing, deep, and very legitimate concern about the Everglades. There is no doubt that the flow of pesticides into the Everglades is directly related to sugarcane growing and has had a direct impact on the ecology of that very fragile ecosystem which is an American treasure, not just a Florida treasure. We should at best not subsidize people who engage in the growing of sugarcane which causes direct damage to one of the most beautiful spots in all the world.

Finally, American taxpayers had to pay for a multi-million bail out for sugar processors who did not meet their loan obligations. Earlier this year, the administration spent \$60 million to purchase more than 150,000 tons of surplus sugar to prevent mass forfeitures.

Why are taxpayers bearing the brunt of these defaulted loans? Because a fundamental flaw in the federal sugar policy allows sugar producers to forfeit their crops to USDA if the market price falls below the loan rate. Sugar producers turn over excess sugar to USDA, keep their loan money and the federal government has to absorb the loss. In other words, if sugar producers are unable to sell their sugar, the federal government promises to buy all the sugar they produce.

Often, forfeited sugar is sold at a substantial loss to the federal government. The federal government has no options under the existing sugar program—if the government does not spend millions buying excess sugar, it loses out anyway as sugar processors default on their loans and are not required to pay back to the federal government. With a surplus of sugar in the world market, the federal government will not be able to sell this excess unwanted sugar. It's a double-whammy.

Mr. President, these forfeitures are a direct cost to the American taxpayers.

And, even worse, this may be only a foreshadowing of a tidal wave yet to come. The federal government may be forced to spend millions more in purchasing additional sugar if the sugar industry has their way. The big sugar lobby is already pressuring USDA to purchase more sugar at a cost of \$100 to \$500 million on further sugar bail-outs before the end of this year.

How is this absurdity allowed to continue?

Mr. President, the answer is clear. The sugar program is alive because of well-financed sugar interests, or the "Iron Triangle" of the commodity world. Sugar interest represent one of

the highest soft money contributors nationwide.

Between 1995 to 1999, the sugar industry contributed more than \$7 million in soft-money contributions, more than any other commodity group. In 1999 alone, the sugar industry contributed \$1.5 million in soft-money contributions to both sides of the aisle. The famous Fanjul family of Flo-Sun sugar industries, known as the "First Family of Corporate Welfare," are among the most generous benefactors in soft money contributions. Sugar interests are cashing in at the register at the expense of consumers, and turning that profit into political influence to keep their stronghold on this federal subsidy.

Before I conclude, I want to highlight several commentaries about the sugar program in a few prominent media programs and articles.

Fallacies of the sugar program earned special coverage as part of a "Fleecing of America" segment on NBC's "Nightly News with Tom Brokaw." During this segment, Art Jaeger from the Consumer Federation of America claims, "the program gives too little money to the farmers who need the help, too much money to farmers who don't need the help."

ABC World News Tonight highlighted sugar subsidies as part of its "Its Your Money" segments, telling all Americans that maintaining the sugar program is a way "to guarantee that even more farmers will take advantage of this sweet deal, producing even more sugar, meaning more taxpayer bail-outs."

The Center for Responsive Politics touts the sugar program as "white gold" for sugar producers and characterizes it as the "Energizer Bunny of U.S. government policy." It keeps going and going with no end in sight.

The Center for International Economics stated that the "U.S. Sugar Program does not sit comfortably as part of U.S. trade policy. High sugar protection harms the credibility of U.S. initiatives for freer trade." The World Trade Organization has pointed out its inefficiencies. The World Bank has dedicated consideration attention to the high costs of U.S. sugar policies.

The National Center for Public Policy Research concluded that the sugar program was "one of the federal government's most ridiculous programs" and should be ended.

In a recent USA Today editorial, advice was offered to politicians—"Repeal this sweetheart deal before another crop of unneeded sugar gets planted."

The Coalition for Sugar Reform also supports elimination of this costly program. The Coalition represents such groups as Citizens Against Government Waste, Everglades Trust, Consumers for World Trade, and the United States Cane Sugar Refiners' Association.

In a letter of support for ending the program, the Coalition states the amendment we are offering today "will finally compel change in a program that can no longer be sustained or justified."

What more evidence do we need to end this lop-sided sugar policy? Why should the federal government and American taxpayers be expected to continue support for this program that is running rampantly out of control and clearly violates free market and free trade principles?

Mr. President, I want to make clear once again—today's vote is important to protect American consumers and taxpayers.

The recent million-dollar sugar bailout is the final straw that will break the camel's back for this failed program.

I would like to quote from the New York Times editorial of July 14, 1997.

A combination of import restrictions, guaranteed prices and subsidized loans keeps sugar prices artificially high, roughly twice the level in other countries, and thus transfers about \$1.5 billion a year from consumers to a handful of large sugar growers. Almost half of the benefits from the sugar program go to little more than 1 percent of growers. The high prices act like a tax on food, hitting hardest at poor families who typically spend a large fraction of their budget on food and other necessities. If the Schumer-Miller proposal passes, sugar prices could fall 20 cents for a five-pound bag.

The sugar growers justify their subsidies as needed to counter foreign-subsidized imports and to protect the jobs of domestic workers. Neither argument withstands scrutiny. There are ample rules to prevent foreign countries from "dumping" government-subsidized sugar in United States markets. Also, by propping up raw sugar prices, the program has driven half the United States sugar refiners out of business or out of the country, taking jobs with them.

There is a second, powerful reason to eliminate sugar subsidies. They breed excessive production of sugar cane in environmentally sensitive areas. In the Florida Everglades, about a half-million acres of wetlands have been converted to sugar cane production. Excessive sugar cane production has interrupted water flows and contaminated the Everglades with polluted agricultural runoff.

Mr. President, I ask unanimous consent that the New York Times editorial and the Wall Street Journal article of April 27, 2000, be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, April 27, 2000]

BIG SUGAR SEEKS BAILOUT, GIVES MONEY TO HELP GET WAY

(By Bruce Ingersoll)

WASHINGTON.—Never have old hands at the Agriculture Department seen such a turnout: 11 U.S. senators trooping into Secretary Dan Glickman's office to lobby for a big sugar-industry bailout.

"When you have 11 senators showing up," says Florida sugar-company executive Robert Buker, "that's horse-power"—enough

power, he believes, to push an ambivalent Clinton administration into an unprecedented market intervention to bail out distressed U.S. sugar producers.

The producers are floundering beneath a market-depressing glut of sugar. Comes October, they face another problem: a ten-fold jump in Mexican sugar imports. The federal sugar-loan program, which has cosseted them for nearly two decades is suddenly in danger of imploding.

So, to shore up the domestic market, sugar lobbyists are imploring administration officials to authorize a bold sugar-buying spree. Only by spending \$100 million now to buy sugar and boost market prices, they contend, can the government hope to head off a much costlier wave of sugar-loan forfeitures later this summer, in the midst of an election campaign.

Fighting the sugar lobby at every turn is a well-financed alliance of consumer groups, candy makers, confectioners and other major users of sweeteners. Their vision of the sweet hereafter is a deregulated sugar industry, and they want the administration to let the market sink. Says Jeff Nedelman, spokesman for the Coalition for Sugar Reform: "The whole house of cards is starting to collapse."

The government has long managed to keep U.S. sugar prices far above the world price, largely by curtailing imports of lower-cost sugar. That benefits producers, obviously, though it also means consumers get stuck with a price-support tab—estimated at more than \$1 billion a year—in the form of higher sugar, candy and soft-drink prices.

But in recent months, due to rising sugar plantings and improving yields, prices have fallen below the guaranteed price-support levels of 18 cents a pound for raw cane sugar and 22.9 cents for refined beet sugar. Lately, price are up a little in anticipation of a bailout. Under the loan program, sugar processors who put up sugar as collateral are entitled to forfeit their crop, keep the loan money and let the government eat the loss.

Processors are threatening to forfeit as much as 1.4 million tons of sugar valued at an estimated \$550 million. The sugar lobby's pitch to Mr. Glickman and White House officials is that buying 300,000 to 350,000 tons immediately will give the market enough lift to avert massive forfeitures at the end of August and September. Sugar prices are at a 20-year low," says Sen. Larry Crag, an Idaho Republican. "The potential for loan forfeitures . . . is very real."

The senators visiting Mr. Glickman on March 26—all but one from major sugar-producing states—told the agriculture secretary that "he needed to get on the stick," says Mr. Buker, senior vice president of United States Sugar Corp., the nation's largest processor. On April 6, a dozen sugar-state lawmakers met with White House Chief of Staff John Podesta. They and the industry fear costly forfeitures would be a public-relations debacle, sparking moves in Congress to scrap the shaky program.

Administration officials wouldn't be so hesitant about buying heaps of sugar if they knew what to do with it. One option is to sell excess sugar on the world market at cut-rate prices, but that would be just as controversial as Europe's oft-deplored dumping practices. Another is to donate it overseas as humanitarian aid, but so far no country has shown any interest in empty calories.

Limited amounts could possibly be used for school lunches and other feeding programs. The only other viable option is to use it as feedback for ethanol plants, but it would

have to be dirt-cheap to compete with corn, which sells for a nickel a pound.

Diverting sugar into ethanol, a fuel additive, would displace corn, costing farmers \$100 million a year, the National Corn Growers Association argues. They shouldn't have to "shoulder the burden" of bailing out sugar producers, the association says.

Adding to the difficulty of a bailout is the opposition from politicians who represent more sugar consumers than producers. Splurging on sugar would be a "quick fix" of "dubious legality," 15 House members asserted in a bipartisan letter. It would bestow a "bonanza" on processors, without preventing forfeitures in the end, Senate Agriculture Committee Chairman Richard Lugar cautioned last week. The Indiana Republican also warned that "dumping" sugar overseas would infuriate trading partners.

Ultimately, though, such considerations may not offset the political leverage of Big Sugar, which gave Democrats and Republicans \$7.2 million between 1995 and 1999, more than any other commodity group in Washington. The fact that the meeting with Mr. Glickman was attended by New Jersey Sen. Robert Torricelli, who hails from a state with no sugar growers but is chairman of the Democratic Senatorial Campaign Committee, highlights sugar's importance in an election year.

At least three sugar states—Michigan, Ohio and Florida—are seen as being in play in the presidential race. Earlier this year, Florida Crystals Inc., owned by the Cuban-born Fanjul family, gave Sen. Torricelli's committee \$50,000. Last July, Alfson Fanjul hosted a \$25,000-a-couple dinner, attended by President Clinton, raising more than \$1 million for the Florida Democratic Party. Mr. Fanjul is renowned for calling up the president to discuss sugar-related issues.

Particularly desperate are three big Hawaiian sugar-cane producers, Gay & Robinson Sugar Co., an Alexander & Baldwin Inc. subsidiary and Amfac/JMB-Hawaii Inc., whose first shipload of the season is due to reach the mainland next week. Unlike their counterparts, they are "price-takers," says the lobbyist, Dalton Yancey. Under an exclusive contract with a refinery on San Francisco Bay, they are obligated to base the price of arriving shiploads on the going New York price, no matter how far it falls below the guaranteed price-support level. The contract doesn't allow putting sugar under loan or forfeiting it.

Adding to the industry's problems is a looming surge of Mexican imports. In October, under terms of the North American Free Trade Agreement, Mexico will be free to ship 250,000 metric tons of low-duty sugar into the U.S.

Despite more than a 20% drop in prices since 1996, sugar production is still much more profitable than raising grain or cotton. The result is that the nation's 10,000 cane and beet growers are shifting more land into sugar. Their lobbyists portray them as suffering from agriculture's woes, including crop failures and lost markets, when in fact most fare better than nonsugar producers.

All told, the sugar problem threatens to haunt the White House and Vice President Al Gore's presidential bid. It could complicate the coming visit of Mexico's president to Washington, and could further hamstring U.S. efforts to open up overseas markets for meat, corn sweetener and other foodstuffs.

Ironically, the administration could have avoided the whole sticky mess. But Messrs.

Glickman and Podesta, under intense industry pressure, went along with an administrative decision last fall to reinstate the guaranteed minimum price, even though under a 1996 change in the loan program it shouldn't have been offered to processors.

Now, the industry is arguing that "sugar is in crisis," in the words of Jack Roney, economist for the American Sugar Alliance.

[From the New York Times, July 14, 1997]

END SUGAR'S SWEET DEAL

The House will vote again soon on whether to eliminate loan subsidies that keep sugar prices high while fostering destruction of the Florida Everglades. A bipartisan proposal sponsored by Charles Schumer, Democrat of New York, and Dan Miller, Republican of Florida, to phase out sugar subsidies barely lost last year. It may come up for another vote this week in the form of an amendment to an appropriations bill. That will give the House a second chance to put the interests of consumers and the environment over those of a small crowd of politically powerful sugar growers.

A combination of import restrictions, guaranteed prices and subsidized loans keep sugar prices artificially high, roughly twice the level in other countries, and thus transfers about \$1.5 billion a year from consumers to a handful of large sugar growers. Almost half of the benefits from the sugar program go to little more than 1 percent of growers. The high prices act like a tax on food, hitting hardest at poor families who typically spend a large fraction of their budget on food and other necessities. If the Schumer-Miller proposal passes, sugar prices could fall 20 cents for a five-pound bag.

The sugar growers justify their subsidies as needed to counter foreign-subsidized imports and to protect the jobs of domestic workers. Neither argument withstands scrutiny. There are ample rules to prevent foreign countries from "dumping" government-subsidized sugar in United States markets. Also, by propping up raw sugar prices, the program has driven half the United States sugar refiners out of business or out of the country, taking jobs with them.

There is a second, powerful reason to eliminate sugar subsidies. They breed excessive production of sugar cane in environmentally sensitive areas. In the Florida Everglades, about a half-million acres of wetlands have been converted to sugar cane production. Excessive sugar cane production has interrupted water flows and contaminated the Everglades with polluted agricultural run-off.

When the Schumer-Miller bill comes up for a vote, representatives who claim to defend the interests of ordinary consumers ought to vote yes. The bill lost narrowly last year in part because some urban representatives—including Gary Ackerman, Jose Serrano and Thomas Manton of New York—voted no. They harmed their own constituents but can make amends this week.

Mr. McCain. Mr. President, I now quote from the April 27, 2000, article from the Wall Street Journal entitled "Big Sugar Seeks Bailout."

Never have old hands at the Agriculture Department seen such a turnout: 11 U.S. senators trooping into Secretary Dan Glickman's office to lobby for a big sugar-industry bailout.

"When you have 11 senators showing up," says Florida sugar-company executive Robert Buker, "that's horsepower"—enough power, he believes, to push an ambivalent

Clinton administration into an unprecedented market intervention to bail out distressed U.S. sugar producers.

The producers are floundering beneath a market-depressing glut of sugar. Come October, they face another problem: a tenfold jump in Mexican sugar imports. The federal sugar-loan program, which has cosseted them for nearly two decades, is suddenly in danger of imploding.

So, to shore up the domestic market, sugar lobbyists are imploring administration officials to authorize a bold sugar-buying spree. Only by spending \$100 million now to buy sugar and boost market prices, they contend, can the government hope to head off a much costlier wave of sugar-loan forfeitures later this summer, in the midst of an election campaign.

Mr. President, the article is very revealing in that it describes the top contributors in the year 1999 and the amounts of money that have been distributed. It is quite remarkable in its entirety.

I quote from an article in Time magazine, November 1998, entitled: "Sweet Deal, Why Are These Men Smiling? The Reason is in Your Sugar Bowl."

Occupying a breathtaking spot on the southeast coast of the Dominican Republic, Casa de Campo is one of the Caribbean's most storied resorts . . . and that's truth in advertising. The place has 14 swimming pools, a world-class shooting ground, PGA-quality golf courses and \$1,000-a-night villas.

A thousand miles to the northwest, in the Florida Everglades, the vista is much different. Chemical runoff from the corporate cultivation of sugar cane imperils vegetation and wildlife. Polluted water spills out of the glades into Florida Bay, forming a slimy, greenish brown stain where fishing once thrived.

Both sites are the by-product of corporate welfare.

In this case the beneficiaries are the Fanjul family of Palm Beach, Fla. The name means nothing to most Americans, but the Fanjuls might be considered the First Family of Corporate Welfare. They own Flo-Sun Inc., one of the nation's largest producers of raw sugar. As such, they benefit from federal policies that compel American consumers to pay artificially high prices for sugar.

Since the Fanjuls control about one-third of Florida's sugar-cane production, that means they collect at least \$60 million a year in subsidies, according to an analysis of General Accounting Office calculations. It's the sweetest of deals, and it's made the family, the proprietors of Casa de Campo, one of America's richest.

The subsidy has had one other consequence: it has helped create an environmental catastrophe in the Everglades. Depending on whom you talk to, it will cost anywhere from \$3 billion to \$8 billion to repair the Everglades by building new dikes, rerouting canals and digging new lakes.

Growers are committed to pay up to \$240 million over 20 years for the cleanup. Which means the industry that created much of the problem will have to pay only a fraction of the cost to correct it. Government will pay the rest. As for the Fanjuls, a spokesman says they are committed to pay about \$4.5 million a year.

Do a little arithmetic. We got \$60 million in Federal subsidies, of which they will pay \$4.5 million for the Everglades. Not a bad deal.

How did this disaster happen? With your tax dollars. How will it be fixed? With your tax dollars.

It is not news that sugar is richly subsidized, or that the Fanjuls have profited so handsomely. Even as recently as 1995, when Congress passed legislation to phase out price supports for a cornucopia of agricultural products, raw sugar was spared. Through a combination of loan guarantees and tariffs on imported sugar, domestic farmers like the Fanjuls are shielded from real-world prices. So in the U.S., raw sugar sells for about twenty-two cents a pound, more than double the prices most of the world pays. The cost to Americans: at least \$1.4 billion in the form of higher prices for candy, soda and other sweet things of life. A GAO study, moreover, has estimated that nearly half the subsidy goes to large sugar producers like the Fanjuls.

A spokesman for Flo-Sun, Jorge Dominicus, said the company disagrees with the GAO's estimate on the profits the Fanjuls and other growers derive from the program.

"That is supposed to imply somehow that our companies receive \$60 million in guaranteed profits," he said, "and that is flat-out not true. Our companies don't make anywhere near that kind of profit."

Dominicus, like other proponents of the sugar program, contends that it doesn't cost taxpayers a penny and is not unlike government protection of other American industries. "If our [sugar policy] is corporate welfare, which I don't believe it is, then all trade policy is corporate welfare," he says.

Flo-Sun is run by four Fanjul brothers, Alfonso ("Alfie"), Jose ("Pepe"), Andres and Alexander. Their family dominated Cuba's sugar industry for decades, and they came to this country with their parents in 1959, after Fidel Castro seized power. The Fanjuls arrived just as a U.S. Army Corps of Engineers project to control the flow of water in the Florida Everglades made large-scale development possible. The total acreage planted in sugar cane there soared—from 50,000 acres in 1960 to more than 420,000 today.

Within that swampy paradise lies yet another subsidy. Each year, according to a 1997 estimate, the Army Corps of Engineers spends \$63 million to control water flow in central and south Florida. This enables growers to obtain water when they need it or restrain the flow during heavy rains. Of the \$63 million, the Corps estimates \$52 million is spent on agriculture, mainly sugar-cane farmers, in the Everglades.

The article further states:

Though by no means the largest special interest in Washington, the sugar lobby is one of the most well-heeled. And among growers, the Fanjuls are big givers. And among growers, the Fanjuls are big givers. Family members and corporate executives have contributed nearly \$1 million so far in this decade, dividing the money fairly evenly between political parties.

This knack for covering for political bases carries all the way to the top of the Fanjul empire. Alfonso Fanjul served as co-chairman of Bill Clinton's Florida campaign in 1992. His brother Pepe was national vice chairman of finance for Bob Dole's presidential campaign in 1996 and was host to a \$1,000-a-head fund raiser for Dole at his Palm Beach mansion. After Clinton's 1992 victory, Alfie was a member of the select group invited by the Clinton camp to attend the President-elect's "economic summit" in Little Rock, Ark.

Careful readers of Kenneth Starr's impeachment report to Congress will note that

on Feb. 19, 1996. . . . The two spoke for 22 minutes. The topic: a proposed tax on sugar farmers to pay for the Everglades cleanup. Fanjul reportedly told the President he and other growers opposed such a step, since it would cost them millions. Such a tax has never been passed.

That is access.

I will be glad to continue this debate, and I will be glad to again enter into a time agreement on this amendment when it is appropriate for me to have it considered by the full Senate.

I ask unanimous consent to add Senator BROWNBACK and Senator FITZGERALD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask my colleague from Mississippi—I know he has the right to the floor—could I make a request to my colleagues? I have been on the floor for several hours waiting to introduce an amendment. I ask unanimous consent that after the McCain amendment I be allowed to introduce an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. I understand we have been able to reach an agreement on the list of amendments remaining in order to be offered to this bill. I am prepared, now, to make that unanimous consent request.

Mr. REID. Will the Senator withhold?

Mr. COCHRAN. I am happy to withhold and happy to yield to the Senator from Nevada.

Mr. REID. One moment.

Mr. COCHRAN. Mr. President, I understand not all of the agreement can be agreed to at this point, but I will recite that which can be agreed to if there is no objection. We will see if there is.

I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to the pending Agriculture appropriations bill, that they be subject to relevant second-degree amendments, and no points of order be considered waived by this agreement.

I will submit a list of amendments rather than reading them.

The list follows:

Jeffords: Drug importation.
Burns: Crop Insurance Program.
B. Smith: Wildlife services.
B. Smith: Relevant to list.
B. Smith: Relevant.
B. Smith: Relevant.
B. Smith: Relevant.
B. Smith: RU486.
B. Smith: Sanctions.
B. Smith: Sanctions.
B. Smith: Sanctions.
B. Smith: Sanctions.
Abraham: Prescription drugs.
Ashcroft: Relevant.
Ashcroft: Relevant.

Chafee: Sanctions.
Warner: Relevant.
Warner: Relevant.
G. Smith: Goose related crop depredation.
Santorum: National robotics consortium.
Santorum: African farming.
Collins: Relevant.
Abraham: Relevant.
Abraham: Asparagus.
Gramm: Relevant to list.
Gramm: Relevant.
McCain: Relevant.
McCain: Relevant.
McCain: Relevant.
Cochran: Relevant.
Cochran: Relevant.
Cochran: Relevant.
Nickles: Relevant.
Campbell: Bison meat.
Grams: Finpack.
Grams: Ratites.
Lott: Relevant to list.
Lott: Relevant to list.
Stevens: Relevant.
Stevens: Relevant.
Jeffords: Dairy exports.
Hutchinson: Relevant.
McConnell: Sulfites in wine.
Sessions: Emergency feed operations.
Sessions: Emergency feed operations.
Sessions: Satsuma orange frost research.
Specter: Amtrack.
Thurmond: Relevant.
Akaka: Agriculture product.
Baucus: Oregon inlet (point of order).
Baucus: Beef industry compensation.
Baucus: Food Stamp Montana.
Baucus: Northern plains.
Baucus: Montana sheep industry.
Baucus: Oregon inlet.
Boxer: Citrus imports.
Boxer: Organic wine.
Boxer: Relevant.
Byrd: Relevant.
Byrd: Relevant.
Cleland: Emergency loans, poultry producers.
Conrad: Motion to instruct conferees.
Conrad: Relevant.
Conrad: Relevant.
Daschle: Relevant.
Daschle: Relevant.
Daschle: Relevant.
Daschle: Relevant to any amendment on the list.
Daschle: Relevant to any amendment on the list.
Daschle: Strategic Energy Reserves.
Daschle: Agricultural competition.
Daschle: CRP contract integrity.
Daschle: Wetlands pilot.
Dodd: Oysters.
Dodd: Relevant.
Dorgan: Relevant.
Dorgan: Relevant.
Dorgan: Disaster aid.
Dorgan: Bison meat.
Dorgan: Food aid.
Dorgan: Drug importation (with Jeffords).
Durbin: Point of order/motion to strike re: hard rock mining.
Edwards: USDA community facilities.
Edwards: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feinstein: Citrus.
Feinstein: Rice.
Feinstein: Relevant.
Feinstein: Relevant.
Graham: Cuba sanctions.
Graham: Citrus canker.

Graham: Nursery crops.
Graham: Relevant.
Harkin: Emergency watershed.
Harkin: GIPSA.
Harkin: GIPSA emergency.
Harkin: Meat and poultry inspection.
Harkin: Agrability.
Harkin: Renewable fuels.
Harkin: Renewable fuels.
Harkin: Methamphetamine.
Harkin: FDA.
Harkin: Relevant.
Harkin: Relevant.
Harkin: Relevant.
Harkin: Relevant.
Inouye: Commodity Credit Corp (CCC).
Inouye: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Kennedy: Food safety.
Kennedy: Prescription drugs.
Kohl: Relevant.
Kohl: Relevant.
Kohl: Relevant.
Kohl: Manager's amendment.
Landrieu: Agricultural research.
Leahy: Relevant.
Leahy: Relevant.
Levin: Relevant.
Levin: Relevant.
Levin: Relevant.
Lieberman: Relevant.
Lincoln: Relevant.
Lincoln: Relevant.
Reed: Lobster shell disease.
Reed: Hunt River watershed (ground water source).
Reed: Pocasset River plug (flood plain management).
Reed: Pocasset River plug (flood plain management).
Reed: Relevant.
Reed: Relevant.
Reid: Relevant.
Reid: Relevant to any amendment on the list.
Robb: Tobacco research.
Torricelli: Speciality crops.
Torricelli: Domestic violence.
Torricelli: Lead.
Torricelli: SOS domestic violence.
Torricelli: Relevant.
Torricelli: Relevant.
Wellstone: GIPSA funding.
Wellstone: Calculation of farm income.
Wellstone: Food Stamp study.
Wellstone: Summer Food Program.
Wellstone: Telework Amendment No. 1.
Wellstone: Telework Amendment No. 2.
Wyden: Relevant.
Wyden: Relevant.

Mr. COCHRAN. I further ask consent that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those being the entire subcommittee plus Senators STEVENS and BYRD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi still has the floor.

Mr. COCHRAN. I am happy to yield to my friend from Nevada.

Mr. REID. Mr. President, I say to my friend, the manager of the bill, and also the Senator from Arizona, we will withdraw our objection now. We will allow Senator McCain to proceed to offer his amendment, if that is appropriate.

Mr. COCHRAN. The objection, not to the last part of the agreement?

Mr. REID. I stated no objection to the agreement. The last part is out.

Mr. COCHRAN. The Senator is suggesting it is okay for Senator McCain to proceed and complete action on his amendment?

Mr. REID. What the Senator read is appropriate. There is provision in there, a little short paragraph at the end that you did not read. We do not agree with that. So the unanimous consent agreement—

Mr. COCHRAN. As stated, you have no objection.

Mr. REID. In the first two paragraphs, that is correct. I said that. I also state we have no objection to setting the Harkin amendment aside so the Senator from Arizona can now offer his amendment.

I ask unanimous consent the Harkin amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3917

Mr. McCain. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCain], for himself, Mr. GREGG, Mr. SCHUMER, Mr. LUGAR, Mr. BROWNBACK, and Mr. FITZGERALD, proposes an amendment numbered 3917.

Mr. McCain. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds for the sugar program)

On page 75, between lines 16 and 17, insert the following:

SEC. 7. SUGAR PROGRAM.—None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272).

Mr. McCain. Mr. President, I could spend more time. I ask unanimous consent an article from the Savannah Morning News entitled "Two Sides of the American Dream" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Savannah Morning News, August 3, 1997]

TWO SIDES OF THE AMERICAN DREAM

(By Bob Sechler)

By some accounts, Alfonso and Jose Fanjul personify the American Dream—Cuban-born immigrants who arrived in the United States almost 40 years ago, emerging as millionaire sugar growers through pluck and hard work.

But others say the brothers are better symbols of what ails the country. Their ostentatious lifestyles, complete with Palm Beach, Fla., mansions, yachts and chauffeured limousines, are the spoils of a corporate welfare system that rewards wheeler-dealers willing to ante up for political influence, critics say.

"They know how to play the game, and they know who to hire to play the game," said Joe Garcia, a representative of Save the Everglades in Florida, an environmental group that has tangled repeatedly with the Fanjuls (pronounced Fahn-hool) and their Flo-Sun sugar empire.

Regardless of which Fanjul family portrait proves most accurate, Savannahians likely will get to know the brothers well.

The Fanjuls and Flo-Sun will hold a controlling interest in Savannah Foods and Industries—a major local employer and an 80-year corporate fixture in Chatham County—if a proposed merger with a Flo-Sun subsidiary is approved by Savannah Foods' stockholders in October.

"One thing you can say about them is they know sugar," said Tom Hammer of the Sweetener Users Association.

Hammer's group, which represents candy manufacturers and other industrial sugar users, has lined up against the Fanjuls—and lost—in political battles over the federal sugar program, which provides huge benefits to growers such as Flo-Sun.

Still, Hammer voices a grudging respect for the family and its sugar success.

"They are formidable opponents in terms of knowing what is the best system for them and being willing to stand up for it," he said. "That is the political system at work."

FROM CUBA TO FLORIDA

The Fanjuls' roots in sugar date to pre-revolutionary Cuba, where their family had dominated the industry since the 19th century.

But the family fled Cuba when Fidel Castro came to power, buying 4,000 acres in Florida in 1960 and beginning Flo-Sun.

The company's success since then has been phenomenal, ballooning to 180,000 acres of cane fields and accounting for 40 percent of the sugar grown in Florida. The worth of the private sugar empire has been estimated at \$500 million, not including extensive outside holdings by the family elsewhere in the United States and in the Dominican Republic.

But the success of Flo-Sun, and of the Fanjul brothers who now run it, is attributable as much to acknowledge of the sugar industry as it is to a knack for American-style politics.

The Fanjuls—Alfonso, 59, Jose, 53, and other family members—have been active at all levels of government when their interests are at stake, and they've always been willing to back up their positions with their checkbooks.

They helped fight off a proposed Florida measure last year that would have assessed a penny-a-pound tax on raw sugar to fund Everglades restoration. Flo-Sun and other Florida sugar growers combined on a \$22.7 million campaign aimed at defeating the plan,

compared to \$13 million spent by Florida environmentalists and other proponents of it.

Neither brother is a U.S. citizen, but Alfonso co-chaired President Clinton's 1992 Florida campaign and Jose served on the campaign finance committee of 1996 GOP contender Bob Dole. The two Fanjuls recently applied for U.S. citizenship.

Flo-Sun and its subsidiaries donated \$224,500 to the national Democratic Party from 1995-1996 and \$319,000 to the Republicans. The amounts don't include contributions to individual candidates.

"The Fanjul brothers play interesting, both-sides-of-the-street politics here in Washington," said Burton Eller, who has faced off against Flo-Sun as chairman of the Coalition for Sugar Reform, a group bent on dismantling the federal program that benefits sugar growers such as Flo-Sun.

Some observers say the goal of the brothers' two-pronged politicking has been to preserve the status quo—which includes a lucrative federal system of price supports and import quotas that benefit domestic sugar growers.

Others dismiss the criticism as the whining of losers.

"Their efforts to be involved in government are commendable," said U.S. Rep. Mark Foley, a Florida Republican who represents the Fanjuls' south Florida home base.

"When has that become a crime?" asked Foley, who collected \$4,000 in contributions from the brothers and Flo-Sun last year. "They live here. They pay taxes. They employ people, and they live within the boundaries of the system."

Flo-Sun received up to \$64 million in benefits in one year alone under the federal sugar program, according to an estimate by the government's General Accounting Office.

The Fanjuls and other sugar growers won a heated political battle last year to maintain the program. The federal price supports and import quotas that benefit sugar growers are preserved in the 1996 federal Farm Bill, which outlines farm policy through 2002, even though subsidies for many other farm products are being phased out.

EXPENSIVE VICTORY

But the win in the Farm Bill fight cost the Fanjuls more than money. It came at a time of increased scrutiny on campaign finance and when consumer advocacy groups were blasting the federal sugar program as nothing more than a handout to big sugar growers.

The timing brought unwanted focus on the Fanjuls—known for being intensely private—and resulted in them being dubbed "poster boys for corporate welfare," among other things, in unflattering profiles in several national publications.

Photographs of their sports cars and mansions and descriptions of a jet-setting lifestyle fueled the fire.

Flo-Sun spokesman Jorge Dominici said the Fanjuls couldn't comment this week because of a mandated Securities and Exchange Commission "quiet time" leading up to all mergers involving public companies, such as Savannah Foods. Representatives of Savannah Foods have declined comment for the same reason.

But Foley said much of the focus on the Fanjuls' lifestyle and political activity has been unfair.

"Some of it is born out of, I don't want to say prejudice, but they are Cubans and they've come here and they've been very successful," he said.

"They came from a land where all their property was taken (by Castro), and they've

emerged very successful. It's been called corporate welfare, but they play on the same playing field as everyone else."

Luther Markwart, chairman of the U.S. Sugar Beet Growers Association, an ally of cane growers such as Flo-Sun, also said the criticism of the Fanjuls is baseless.

"They're very smart businessmen and their family has been in sugar for six generations," Markwart said. "The people that are calling them the names, are the big industrial users (of sugar) and some of the environmentalists down there" in Florida.

None of the public criticisms of the Fanjuls has questioned their business acumen.

Still, Savannah Foods stock has plummeted since the announcement several weeks ago of the proposed merger with a Flo-Sun subsidiary. Stock in Savannah Foods has dropped from nearly \$19 a share prior to the announcement to \$14.12 a share now.

The slide is being attributed largely to a sense that Savannah Foods isn't reaping full value for its assets in the proposed merger.

Under the terms of the deal, the Fanjuls and Flo-Sun will control 83 percent of shareholder voting strength in the merged company despite owning only 58 percent of the shares.

"It's basically a question of a public company that is going to be in the hands of private people, for the most part," said Victor Zabavsky, an analyst with Value Line Publishing in New York who follows Savannah Foods.

But if the merger goes through, Foley said average Savannahians who look to Savannah Foods as a major employer and a good corporate citizen have nothing to fear.

"A lot of the media spotlight on (the Fanjuls) has been negative," Foley said. "But that's not the Fanjuls—they want to be good corporate citizens. They're certainly going to be very concerned with the community and the employment base of Savannah Foods."

"It's not just political coffers they pour money into," he said. "They help virtually every charity that asks. They are very philanthropic."

TOP STORIES

Alfonso Fanjul, 59

A native of Cuba who received a bachelor's in business administration from Fordham University in New York City.

Chairman and chief executive officer of Flo-Sun. He also will serve in the same capacity in a new company formed through the merger of Flo-Sun subsidiary Florida Crystals and Savannah Foods and Industries.

A prominent Democrat who co-chaired President Clinton's 1992 Florida campaign.

Among other endeavors, he is a trustee of the University of Miami, the Intracoastal Health Foundation and the Good Samaritan/St. Mary's Hospital.

Jose "Pepé" Fanjul, 53

A native of Cuba who received a bachelor's in economics from Villanova University and a master's in business administration from New York University.

President and chief operating officer of Flo-Sun. He'll serve in the same capacity in a new company formed through the merger of Flo-Sun subsidiary Florida Crystals and Savannah Foods and Industries.

A prominent Republican who served on the campaign finance committee of 1996 GOP presidential contender Bob Dole. He also is vice chairman the national Republican Party's finance committee.

Among other endeavors, he is a trustee of the intracoastal Health Foundation, the

Good Samaritan/St. Mary's Hospital and the American Friends of the Game Conservancy. He also is a director of the Knights of Malta, the Americas Society, the Spanish Institute and the New Hope Foundation.

Fanjuls' news clippings

Sugar growers such as Flo-Sun successfully defended their lucrative system of federal price supports and import quotas in a heated political battle over the 1996 Farm Bill. But last year's Farm Bill fight, along with renewed calls for campaign finance reform, have focused national media attention on Flo-Sun's Fanjul family and its practice of lavish political contributions. Here is a breakdown of what some publications and organizations have had to say about Flo-Sun and the Fanjuls.

Center of Responsive Politics: "With their wealth conservatively estimated at several hundred million dollars, the Fanjuls can afford to spread around lots of political money. And they do. . . . The Florida sugar cane industry's campaign contributions may have helped preserve the federal price-support system for sugar."

George magazine: "Though Cuban citizens, the Fanjul brothers had proved quick students of American-style wheeling and dealing and before long were living much as they had in their pre-Castro homeland—only protected by even more wealth, power and Teflon."

Mother Jones magazine: "The Fanjuls' total (political) giving has been consistently underreported because they give through an array of family members, companies, executives and PACs. During the 1995-96 election cycle, members of the Fanjul family contributed \$774,500 to federal campaigns. . . . It's an excellent investment. In return, a grateful Congress maintains a sugar price support program worth approximately \$65 million annually to the Fanjuls."

U.S. Sugar Corp.

U.S. Sugar Corp., another large Florida sugar grower, also is a major beneficiary of the federal sugar program. U.S. Sugar donated a combined \$230,000 to the national Democratic and Republican parties in 1995-96, not including contributions to individual candidates.

National Enquirer: "It's the sweetest deal on earth. Every time you buy a pound of sugar grown by the Fanjuls and other U.S. sugar growers, you pay more than a nickel extra—and the money goes right into their pockets."

New York Times: "The support program (for sugar) has kept some marginal producers in business while producing big profits for more efficient companies. The most conspicuous example of the latter is Flo-Sun, a huge operation north of the Everglades controlled by two brothers, Alfonso and Jose Fanjul. . . . Given their obvious interest in keeping the subsidy program alive, the Fanjuls are lavish contributors to politicians in both parties—giving as much as \$3 million since 1979, by one estimate."

Mr. McCAIN. There was an Associated Press article of May 12 entitled "Sugar Growers Get Bailout: Purchase of Surplus Will Cost Taxpayers About \$60 Million." I ask unanimous consent that be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUGAR GROWERS GET BAILOUT—PURCHASE OF SURPLUS WILL COST TAXPAYERS ABOUT \$60 MILLION

(By Philip Brasher)

WASHINGTON, May 12—The government plans to buy and store 150,000 tons of surplus sugar to bail out farmers who have produced so much of the stuff that prices have dropped 25 percent over the past year.

The Agriculture Department put off the decision about what to do with the sugar, which will cost taxpayers about \$60 million. The department has considered donating it overseas or else selling it at a steep discount for refining into ethanol, a fuel additive normally made from corn.

Growers have been threatening to forfeit to the government as much as \$550 million worth of sugar pledged as collateral on federal marketing loans.

FEND OFF LOAN FORFEITURES

"We are acting to help address dramatically low sugar prices," Agriculture Secretary Dan Glickman said in announcing the planned purchase. "By buying U.S. sugar now, we expect to save as much as \$6 million in administrative costs that the government might otherwise incur from expected loan forfeitures later this summer."

A coalition of candy- and food-makers, consumer advocates and environmental groups that opposes the sugar program had urged the administration to let prices fall.

"Obviously, the administration has no plan for disposing of the sugar," Jeff Nedelman, a spokesman for the group, said today.

"They cannot dump it overseas for fear of igniting a trade war. They cannot give it away for humanitarian aid, because no country wants it, and they cannot refine it into ethanol without fear of depressing corn prices. They have a crisis of their own making and no good answer."

FURTHER ACTION A POSSIBILITY

The department did not rule out buying more sugar. Farmers expect the Clinton administration "will take further action, as needed, to avoid forfeiture of sugar under loan to the government," said Ray VanDriessche, president of the American Sugarbeet Growers Association.

Glickman's decision came on the eve of a visit by President Clinton to Minnesota, a major sugar-growing state. Clinton and Glickman were to visit a farm outside of the Minneapolis-St. Paul area today to appeal for Congress to approve permanent trade relations with Cuba.

The government guarantees farmers a minimum price for domestic sugar through the loan program and quotas on imports, but increases in domestic production are making it difficult for USDA to control domestic prices.

Growers who put their sugar up as collateral for a federal loan have the right to forfeit the crop to the government if prices fall below the guaranteed price.

SURGERY NEEDED, NOT BAND-AIDS

"The sugar program does not need Band-Aids, it needs major surgery," groups opposed to the program said in a letter last month to Glickman.

Glickman urged sugar growers to cut back on plantings by idling land in the government's Conservation Reserve Program, which pays farmers to take acreage out of production.

"We expect the sugar industry to rapidly develop conservation and production options that can form the basis of a sustainable sugar policy," Glickman said. "Simply relying on continued government purchases over

the longer term is neither feasible nor realistic."

Mr. MCCAIN. Mr. President, I quote: The Agriculture Department put off the decision about what to do with the sugar, which will cost taxpayers about \$60 million. The department has considered donating it overseas or else selling it at a steep discount for refining into ethanol, a fuel additive normally made from corn.

"The sugar program does not need Band-Aids, it needs major surgery," groups opposed to the program said in a letter last month to Glickman.

Glickman urged sugar growers to cut back on plantings by idling land in the government's Conservation Reserve Program, which pays farmers to take acreage out of production.

Obviously, that has not happened.

I want to quote from an interesting one on June 16. Brian Williams of NBC Nightly News:

Now time for "The Fleecing of America." We have told you here before about price supports for sugar producers in this country, consumers paying what amounts to a hidden tax. Now, according to a new report from the General Accounting Office, what some already consider an outrageous fleecing of America is about to get even worse. Here's NBC's Lisa Myers.

LISA MYERS, reporter. For sugar beet farmers like Craig Halfmann, what critics claim already is a sweet deal is getting even sweeter. The government is using seventy million of your tax dollars to buy a hundred fifty thousand tons of sugar from farmers like Halfmann, enough sugar to lay five-pound bags end-to-end from New York to Los Angeles three times. Why? To prop up sugar prices by reducing supply.

CRAIG HALFMANN, sugar beet farmer. We're in a crisis situation and we're just asking the USA to help us out as farmers.

MYERS. But critics say it's ridiculous and a windfall, especially for big sugar producers, people who make millions. But we'll get to them in a moment. You see, those seventy million taxpayer dollars are in addition to the inflated prices you already pay for sugar and don't even know it.

SENATOR RICHARD LUGAR. This is one of the most serious outrages in the agriculture side consumers have never understood, that they are paying a tax every time they get a pound of sugar.

MYERS. And a candy bar, and cereal, even canned ham. It's all because of the sugar program, and here's how it works. The government uses import restrictions and price supports to keep the sugar supply down and drive prices up. Today the world price of sugar is about eight cents a pound. But US growers get more than twice that much, about twenty cents. And it all shows up right here, in what you pay. Experts estimate the average family of four spends an extra twenty-six dollars a year for sugar because of the program. This government report says that that works out to almost two billion dollars straight from your pockets to sugar producers. Supporters of the program insist it doesn't cost that much, and say struggling farmers need even more help this year, since bumper sugar crops drove down prices.

UNIDENTIFIED MAN. All the government has done is to come in and buy some of the surplus sugar. The government is holding that sugar. They will sell it eventually, possibly even at a profit.

MYERS. The Agriculture Department claims that buying excess sugar now may save taxpayer money.

KEITH COLLINS, USDA Chief Economist. Well, who benefits from the purchase, I think, is the taxpayer. We think that actually saves us some money and at the same time supports prices a little bit now.

MYERS. Not so, say consumer advocates.

ART JAEGER, Consumer Federation of America. The program gives too little money to the farmers who need the help, too much money to farmers who don't need the help.

MYERS. In fact, the biggest winners of all, critics say, are the biggest sugar growers, like Pepe and Alfonso Fonhoull (sp?) of Palm Beach, Florida. They've earned as much as sixty-five million dollars a year from the program.

JAEGER. Anytime you ask consumers to pay one-point-five to two billion dollars a year more for food and the beneficiaries are largely wealthy sugar cane growers in south Florida, I think that's a fleecing of America.

Mr. President, I am sure I will hear from the opponents of eliminating this subsidy that this is simply a program for small farmers, for small growers. The facts do not bear that out. I want to repeat, the majority of this sugar subsidy money goes to the large sugar farmers who also, coincidentally, happen to be major political donors in the American political process.

I do not quite understand how my free-enterprise, free-market, less-government-intervention, less-government-regulation colleagues will come here to the floor and argue that somehow this program is good for American citizens. It is not. Clearly, the facts state that it is a subsidy paid to a privileged few and it costs American taxpayers and American families a great deal of additional money.

I know there are a lot of abuses. I know there are a lot of programs that favor a privileged few in American government. But this one is perhaps one of the most egregious, and we should stop it.

I say to my friends who will oppose this amendment: No. 1, I will be glad to means-test this amendment; No. 2, I will be glad to have a phaseout of the sugar subsidies as well. If you agree to neither, you are basically saying let's let the Fanjul brothers continue to get \$65 million a year in subsidies and let's let the American family pay it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Idaho.

Mr. SCHUMER. Mr. President, today I join my colleague, Senator McCain, to offer an amendment that phases out the Federal sugar program.

The current sugar program is one of the last vestiges of a centralized, subsidized U.S. farm sector which has mostly gone by the wayside. This is a special interest program that benefits a handful of sugar barons at the expense of every man, woman and child in America.

Several years ago, the GAO estimated that consumers paid \$1.4 billion more at the cash register because of the sugar price support. Today, because the world price for sugar is lower and the price paid in the U.S. is higher, the cost to consumers could be twice as high.

And, and let's not forget that the sugar support system has already cost America thousands of refinery jobs. Why? Because the sugar program is such a bitter deal, refiners cannot get enough raw cane sugar to remain open. In Brooklyn and in Yonkers, we have lost one-third of our refinery jobs in the last decade. And it has already cost the Everglades hundreds of acres of pristine wilderness.

Four years ago, when we came within five votes in the House of terminating the sugar program, the world market price for sugar was about ten cents and the U.S. price about 20 cents. Today the world price is less than a nickel and the U.S. price is almost a quarter. In other words, the gulf between the free market and the sugar program is getting wider.

Under any reasonable and rational measure the sugar program should be repealed. If the issue is jobs, the environment or the consumer—then we have no choice but to repeal. Standing with me are liberal, moderate and conservative members of Congress. Standing with us are liberal, moderate and conservative public interest organizations. At all ends of the political spectrum the answer is the same—it's time to repeal the sugar program.

Mr. CRAIG. Mr. President, I rise in opposition to the McCain amendment today. I certainly will not rise to the challenge the Senator from Arizona has placed. I never rise to the challenge of the editorial board of the New York Times or the tabloid test of NBC's "Fleecing of America." I did that once with the "Fleecing of America." I did because they were wrong. They had misused their facts, as they are misusing them now, and the Senator from Arizona has brought in those facts.

The reality is, I stand on the floor today to defend about 1,000 farmers in my State of Idaho, and I think you will hear from others today who defend American agriculture and its productive power and its ability to sustain itself within a world market and our willingness to put up reasonable safeguards to assure that sustainability at the local level. In my case, in Idaho, with nearly 1,000 sugar beet farmers, it is necessary and appropriate. I stand, not to apologize whatsoever, but to strongly support what I think is a necessary and appropriate program.

As with other commodities, those of us from agricultural States know that many in agriculture today are in crisis. They are at or below break even by a substantial amount. There is no difference between the potato farmer of

Idaho or the sugar beet farmer of Idaho or the corn farmer of Iowa today.

In the case of sugar, prices this year compared to last summer are down by about 26 percent, and as a result of that, the Government has responded aggressively and appropriately to the crisis in rural America, making approximately \$70 billion of total expenditures since 1966 to America's agricultural producers.

I am not going to apologize for that, and here is why: Banks are not going under; farms are not going under; America's food supply on the shelf is more abundant, safer, and of a higher quality than ever, at a lower price. The American consumer today spends less of his or her consumer dollar for American food, including sugar, than any other consumer in the world.

Should we apologize for that? I think not. What we have tried to do—and I think we have been reasonably successful—is balance out a domestic program with foreign competition while consistently working to open up foreign markets and clearly to liberalize the whole of the agricultural programs of this country.

USDA recently did purchase sugar. The Senator from Arizona has spoken to that. The reason they did was to try to stabilize the market and stabilize the price. There is no question that thousands of jobs in rural America depend on that action. I defended that action and I do now with no apology.

Sugar policy has run at largely no cost to the U.S. Government since 1985. I say that because what the Senator from Arizona failed to talk about was the amount of money directly contributed by the industry itself. In fact, it has been a revenue raiser. Since 1991, \$279 million have been placed in the Treasury by a special marketing tax paid directly by the sugar producers. Did the Senator from Arizona mention that? Oops, I guess the Wall Street Journal did not mention it, nor did the New York Times mention it, nor did the "Fleecing of America" mention it. Of course, if they did not mention it, it "ain't" worth mentioning.

The probable net cost of the announced purchase and removal of sugar has been more than covered by the revenues of the sugar policy. As I helped other Members of this Senate design that policy, that is exactly what we tried to do: to balance it out so the industry itself was self-financing.

Mr. McCAIN. Will the Senator yield for a question?

Mr. CRAIG. I will not at this time. Let me finish my statement.

Mr. McCAIN. The Senator mentioned a very important marketing assessment, which had been taken out in last year's omnibus bill.

Mr. CRAIG. Since 1991, the marketing assessment has raised \$279 million. That was my quote. That is a fact the Senator cannot dispute. This

132,000-ton purchase is a step toward preventing the forfeiture of a much larger amount of sugar. USDA has estimated that 600,000 tons could be forfeited at a much higher cost to the Government—the Senator from Arizona is correct—based on current programs and current forfeitures. Pulling that sugar from the market now costs substantially less. The purchase saves the Government money and promotes the stopping of this kind of effort based on forfeiture, and that does save the American taxpayer money.

The purchase would not have been necessary and there would be no threat of forfeiture if sugar producers were not required, under the WTO and the North American Free Trade Agreement, to import about 15 percent of our consumption. I happen to have voted against the North American Free Trade Agreement because I felt this was a loophole that would potentially cost the producers of the State of Idaho their crops and maybe their farms. Now, of course, reality begins to bear itself out.

Further compounding the problem has been extensive import quota circumvention by a term that is now well known by those of us who are interested in agriculture. It is known as stuffed molasses. Low prices for other crops driving producers to beet and cane sugar production and extremely favorable weather conditions for the last 2 years have all contributed to the oversupply of sugar and the need for Government intervention.

Stuffed molasses, as my colleagues know, is a way of circumventing the law by loading up molasses with sugar, moving it through import into this country, then pulling it in and refining the sugar out of it. It is kind of like covering up, violating the law, if you will, in a legal way. It certainly violates the spirit of the trade agreement.

Allowing sugar prices to continue to fall will put more sugar farmers out of business, but it will not help consumers one bit. There is a general assumption on the part of those who oppose the sugar program that once you drop the price of sugar to the world price, all of a sudden candy bars get cheaper, soda pop gets cheaper, confectionery foods get cheaper, and we know that is not the fact. It has never been the fact. We might transfer a little profitability from the sugar farmer to the candy maker or to the soft drink producer, or to those who generally supply confectionery goods to the consumers of this country.

Does it translate through to the farmer? No, it does not, and it never has.

While the price food manufacturers and makers of candy—cereal, ice cream, cookies, and cakes—pay for sugar—they will always pay that amount. That is the character of the way the industry works. They simply

either make a little more or make a little less, based on the margins in which they buy.

The truth of the matter is that in the U.S., the sugar program has saved the consumer money by stabilizing the price across the board and, therefore, consistency. I remember long before I served in the Senate, without this sugar program, there were dramatic fluctuations in the marketplace. People were going in and out of business. Confectionery producers and soft drink suppliers were arguing at one point that sugar was so dramatically high that they had to raise their prices, and then sugar fell dramatically, but those prices did not come down. U.S. consumers pay about 20 percent less for sugar than does a consumer in other developed countries of the world.

It is strange that I could use that figure—and it is a figure of fact, well established in the marketplace. Why don't other developed countries' consumers pay what we do? They buy on the world market. They buy, as the Senator from Arizona suggests, at a much cheaper price. The reason is the stability we have offered and, therefore, the averages that are very important to look at when you are looking at an overall price of the issue.

Do I support the program? Yes, I do. Am I apologetic for it? No, I am not. The reason is very simple. Over the years, we have worked to craft a program that balances itself out and, in large part, has paid for itself. As we work to create a more open market and phase these kinds of programs out, I will support those efforts, too.

It is very important for the whole of this country that I think we create that kind of stability. I hope we can do so.

At the appropriate time, I, or the chairman of the subcommittee, will move to table the amendment of the Senator from Arizona for the simple reason that we think it would destabilize the markets of this country. It certainly would have a dramatic impact on my State and the 1,000-plus farmers who make up the sugar portion of Idaho's agriculture production.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise, as well, in defense of this program. I rise in defense because I represent a State that is one of the most agricultural States in the Nation. The fact is, this program has helped stabilize an otherwise disastrous situation.

This chart shows what has happened to sugar prices since the most recent farm bill. This is what has happened to refined beet sugar prices. On this chart it looks like a cliff because it is. Prices have collapsed. If we did not have something to counter the cycle, we

would see mass bankruptcy in rural America. That is a fact.

The Senator from Arizona comes out and he reads clippings from various news articles. Unfortunately, those people know virtually nothing about what they are writing about. They say, over and over, that the world price of sugar is 8 cents a pound. Absolute nonsense. The world price of sugar is not 8 cents a pound. The vast majority of sugar in the world moves under long-term contract at much higher prices than the 8 cents a pound. About 18 cents a pound—that is what most sugar in the world sells for. What the Senator from Arizona is talking about is what is reported in the popular press—repeatedly—which is flat wrong.

The price they are talking about is not the world price; the price they are talking about is the world dump price for sugar. It is what sugar sells for that is not under contract that is hard to sell. That is a dump price. It is far below the cost of production. It does not represent what sugar sells for in the world. It is an absolute fiction.

Every time we have ended the program, what has happened to prices? Let's ask that question. Because the suggestion from the Senator from Arizona is, if you would end this program—you phase it out—prices to consumers would go down.

Let's have a reality check.

What has happened in the times we have ended the program? Did prices go down or did prices go up? You know what happened? Prices skyrocketed. That is what happened when the program ended. The fact is, this is a program that stabilizes prices. And that is critical to the survival of thousands of family farmers.

The Senator from Arizona talks about one large interest as though that represents the totality of producers. Let me say to the Senator from Arizona, and to those who write these articles that attack the program and talk about one small group with large economic resources, what they are not doing is telling the whole story and telling the American people that literally thousands and thousands of family farmers are dependent on the stabilization this program provides. That is a fact.

Come to my State. Go farm to farm. Meet these families. They are not wealthy people. They are people trying to make it in an environment in which the prices of the products that they make have plunged. Without this program to stabilize prices, there would be financial ruination all across the heartland of America. Is that what the Senator from Arizona advocates? Is that what he wants to have happen? Because assuredly that would be the case.

One of the things that gets missed in this debate is this notion that somehow the United States is an island unto

itself and that we do not have to worry about what the rest of the world is doing. If one would pay a little attention to what the rest of the world is doing, what one would find is that the United States is giving support to its producers at a level much lower than our major competitors.

This chart shows what our major competitors are doing in terms of support for their producers—\$324 an acre. Here is the support we are giving our producers—\$34 an acre. By the way, these are not KENT CONRAD's numbers. These are numbers from the Organization for Economic Cooperation and Development.

Our major competitors are outgunning us 10-1. I would suggest the Senator from Arizona is recommending unilateral disarmament for our agricultural producers in what is, in effect, a trade war. He would never do it in a military confrontation—never. If the other side had 50,000 tanks, and we had 10,000 tanks, would the Senator from Arizona be out here recommending we cut the number of our tanks in half? Would that be the first move? I do not think so.

Mr. MCCAIN. Will the Senator allow me to answer his question?

Mr. CONRAD. After I complete my thought and presentation, I will be happy to.

Mr. MCCAIN. It is too bad the Senator will not yield.

Mr. CONRAD. No. I will be happy to after I complete my statement, as I allowed the Senator to complete his. I ask for the same courtesy from the Senator from Arizona as I extended to him.

We are outgunned 10-1. If our opposition had 50,000 tanks and we had 10,000, would the Senator from Arizona advocate cutting our number of tanks in half? That is exactly what we did in the last farm bill. They were supporting their producers at \$50 billion a year. We were providing on average of \$10 billion of support. And we cut our support in half.

I would be happy to yield to the Senator from Arizona.

Mr. MCCAIN. I say to the Senator from North Dakota, it is a frivolous statement. It has no connection to the estimated \$1.5 billion. The Senator from North Dakota said that I have been quoting from newspaper articles, et cetera. The Senator from North Dakota usually relies on the GAO.

I have heard him quote from the GAO quite often. What the GAO is saying is the sugar program cost domestic sweetener users about \$1.5 billion in 1996 and \$1.9 billion in 1998.

If a foreign government was subsidizing anything—as they are Airbus; and the United States with Boeing—of course, I would take my complaint to the World Trade Organization and we would see about the outcome. I would not build further protectionist barriers

for a private manufacturer of any product whether they be tanks or not.

The Senator from North Dakota recently espoused fervently that we means test the estate taxes, the so-called death taxes. There was great lamenting on the other side of the aisle about the fact that wealthy people would get off scot-free, and that we should not let them be completely absolved from estate taxes.

Will the Senator from North Dakota agree to a means testing on the amount of money so that the Fanjul brothers will not get \$65 million a year of Arizona taxpayers' and North Dakota taxpayers' dollars? At least you could agree to a means testing of this, rather than 42 percent of all these subsidies going to 1 percent of the sugar growers in America.

So my answer to the question from the Senator from North Dakota: No, I would never agree to what he is saying. I would agree, however, to take the proper measures to remove protectionism on both sides of the Atlantic and all over the world. That is why I am a supporter of free trade.

Mr. CONRAD. I just say that the Senator from Arizona says he would not do something, but that is precisely what he is doing on the floor of the Senate—precisely what he is doing—engaging in unilateral disarmament on behalf of our producers, when they are already being outspent 10-1 by our major competitors, the Europeans.

What the Senator from Arizona says is: Let's just abandon our folks. We are going to play by a different set of rules. We are going to be purists on this side of the Atlantic. On the other side of the Atlantic, they get to take these markets the old-fashioned way. They get to go out and buy them. The result will be exactly what is happening, I say to the Senator from Arizona, whom I respect and admire.

I disagree firmly with him on this point. I respect and admire the Senator from Arizona; I make that clear. We have a spirited debate and discussion going here, and that is in the best tradition of the Senate. This has no personal feeling attached to it.

I want the Senator from Arizona to know, I think this is precisely wrong. The fundamental reason it is wrong is because this is not the way world agriculture is working. What is happening in world agriculture today is our major competitors are going out and buying these markets. If we don't give some assistance to our producers, what will happen is the other side will take market share, as they are. The USDA now projects that this year for the first year the Europeans are going to surpass us in world market share. Why? Because they are going out in a very concentrated, calculated way and buying market after market from us. If we are going to throw in the sugar market, as we have thrown in the wheat

market, as we have thrown in the barley market, pretty soon we will find an America that is second rate with respect to agriculture production. That would be a tragedy. It would be a mistake.

The Senator references the GAO report. GAO is not perfect. If we look at this report and study it objectively, USDA put a team together and looked at this report. They concluded the validity of the results are suspect and should not be quoted authoritatively. Here is a sampling of some of the words USDA career analysts used in describing the GAO report: naive, arbitrary, in error, inconsistent, inadequate, a puzzle, inflammatory and unprofessional, not well documented, incomplete, unrealistic. In a nutshell, the instant experts at GAO compared the U.S. price—the same thing the Senator from Arizona has done, the 8 cents he quotes—to a world dump market price that is a fraction of the cost of producing sugar and assumed that if grocery chains and food manufacturers could have access to that dump market sugar, they would pass 100 percent of their savings along to consumers.

I have seen this over and over and over. It is an easy mistake to understand because people are writing about this industry who know nothing about it. They say over and over, the world price of sugar is 8 cents. That is absolute nonsense. It is not true. It is not accurate. That is the dump price for world sugar. It would be the same as talking about the world steel price and failing to look at all of the steel that sells to the automobile industry around the world under contract, instead to look at the dump market where just a fraction of world steel and world sugar sells.

It is economic know-nothingism, frankly, to make that reference. It is not reality.

We have very difficult issues to deal with in world agriculture. In our country, the No. 1 issue is right here. Are we going to let our producers get swamped by a flood of European money, by tough competitors who have made a determination that what they want to do is dominate world agriculture and they are going to do it the old-fashioned way. They are going to go out and buy these markets from us. That is what they are doing—\$324 an acre of support on average versus our \$34. If we want to continue to engage in unilateral disarmament and let American agriculture go right down the tubes, this is a good place to start, right here, today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to talk on this issue. It is an important issue to this country; it is an important issue to my State.

I suspect much of what I state may have perhaps already been said. Never-

theless, I think it is important that we take a continuing look at the facts of the issue. We have heard a lot of emotional discussion with respect to it. The fact is, we have been through this before. About every year we seem to go through the same discussion.

It does impact many people. It is not something where just a few rich people are involved. It provides 420,000 jobs in 40 States. Many agriculture communities are dependent on sugar production, as are some in my State. Frankly, it is one of the few products that is processed on to retail use. It comes out of the State ready to put on the grocery store shelf. Seldom does that happen in my State.

It provides a \$26 billion annual economic activity and is a very high quality product, one that is changing. We talked about the candy and so on. Most of that comes from corn sweeteners. Nevertheless, it is very important. It is a very efficient industry; by world standards, we have the 18th lowest cost of production out of 96 producing countries, despite the fact that we have high-cost environmental standards and those kinds of costs.

As the Senator from North Dakota made quite clear, we keep talking about the "world" price. It isn't the world price. It is the dump price. Almost all the countries are subsidized. After they raise more than the subsidy applies to, it is dumped on the market. That needs to be understood.

We need to understand that consumers have benefited from this program. Retail sugar prices are virtually unchanged since 1990 and are 20 percent below the developed country average. It is about the most affordable in the entire world, as a matter of fact.

We have talked about taxpayer benefits. Until this year, the sugar program has been a zero cost program for 15 years, since 1985. It generated \$279 million in revenue since 1991 that was paid by the industry into the Government. It is WTO, NAFTA compliant. Prices have been very low for the producers, very low in the industry.

Unfortunately, there has not been a passthrough. What we find is the grocery stores have not lowered their price. The price of sweetened products is up 7 to 9 percent. At the same time, the grower price has been down approximately 20 percent. We find a great deal of activity there.

We have heard several times about the GAO report. The Senator talked about that. Certainly, the findings of USDA were such that they confused the world market with the dump price, as was pointed out. They also assumed that the lower costs were being passed on 100 percent through the retail market. That is not the case. Even though I am a great supporter of GAO, that study was not one that has been particularly useful.

The wholesale price for refined sugar has been down, is down, 25.9 percent in

the last 3½ years. At the same time, the price for refined retail sugar is about the same. Ice cream is up. Candy is up. Cookies are up. Cereal is up. We haven't seen that pass through to the product.

I will not continue to go through this. I think we have covered many of the facts. This is a very important industry in my State. Our sugar beet production is one of the most efficient in the world. We have three refineries. It is very important to us. We have been through this whole discussion before. I think we agreed, then, this is an important matter to the country, to agriculture. I rise in opposition to the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank all of our colleagues who have engaged in the debate so far.

It is summertime in Washington so I guess that means it is sugar amendment time. The Senate essentially voted on this once before. It seems we do it every July and August, during the summer months. The exact same amendment was voted on last August 4. The Senate rejected the amendment by a vote of 66-33, a 2-to-1 margin. I think the reason it was rejected by such a large margin is that Members are finally beginning to understand the sugar program and what it really involves and why it has worked for so many years as a benefit both to producers and also to the consumers of sugar and sugar products. It is not a perfect program, but it is one that has improved over the years. I will make a couple of comments about it.

Before that, I want to mention the fact that not too far back, this Congress was really involved in the crisis involving the increase in gasoline prices. We talked about gasoline prices going up 25 cents a gallon, 30 cents a gallon, 50 cents a gallon, and everybody being in an uproar about it.

The sugar program has been at a loan rate of 18 cents since 1985. It hasn't gone up one-half cent since 1985. What I want to do is take a moment to try to explain, as briefly as I can, how the program works. We have had talk on the floor this afternoon about these "huge" subsidies being given to some wealthy family, I heard, somewhere in Florida. I have almost 700 sugar cane farms in Louisiana and the growers would be very surprised to learn there is a big subsidy program out there, because the sugar program is not a direct subsidy from the taxpayer by any stretch of the imagination.

What sugar farmers get is a loan, as other commodities also get, such as rice, cotton, and other farm products. The loan is 18 cents per pound for sugar. It is a non-recourse loan. What that means, simply, to people not in the agriculture business, is it gives

farmers the option of putting their crop under loan at harvest time. They have the option to either pay back the loan in dollars or, if the market price falls so low they cannot do that, they can forfeit their sugar to the Government as payment for the loan.

The interesting thing is that, since 1985, there has not been one single forfeiture under the loan program. Not one. Farmers have put their crop under loan and they have paid back the loan when the loan was due to the Federal Government. That is how the program works. There is no direct subsidy to make up the difference in a price, where taxpayers have to dip into their pockets to give to a sugar farmer. It is a non-recourse loan, which means they can either pay it back in dollars or forfeit the amount of sugar that they have put under loan.

Some would say, well, the sugar program protects domestic sugar by preventing sugar imports from coming into this country. That is not true. In fact, the sugar we are importing varies between 15 and 20 percent. It comes from 40 countries around the world. It is GATT legal. It comes into this country, under the program, from 40 different countries around the world.

Here is the thing that I think is really interesting, because I guess in addition to saying it is a huge subsidy program—which it is not; it is simply a loan program—is that somehow consumers are being harmed by this program. This chart, I think, is consistent with what Senator CONRAD from North Dakota was pointing out. We have a bar chart; I think he had a graph. It is essentially the same thing. This is data from the Department of Agriculture. It is not from the sugar industry; it is from the USDA. It indicates that it has been 3½ years since the start of the 1996 farm program when we put the new and improved program into effect.

The chart from USDA indicates that the prices for producers have fallen, and the consumer prices for sugar and sweetened products have risen. This shows sugarcane farmers in Florida, Louisiana, Texas, Hawaii, which produce the bulk of the sugarcane used for sugar. Since 1996, when we put the program into place, the price of sugarcane to the producer, to the farmer, has fallen 14.6 percent. These are USDA numbers. The prices for wholesale refined sugar, beet sugar, USDA tells us, have fallen 31.9 percent. These are USDA numbers. They show prices falling to the producers, the farmers of cane sugar, and prices falling to the producers of sugar from sugar beets.

You would think that if the price to the farmer is falling by 31.9 percent, in one case, and 14.6 percent for sugarcane farmers, my goodness, that must be great for consumers, right? Everything that uses sugar should have a corresponding fall in its price, right? Wrong.

Look at what happened to the price of sugar on the shelf. The price of sugar on the shelf has risen a very small amount, while the price for the people producing sugar cane and sugar beets has been drastically falling. But the price of sugar on the shelf has been on the increase when you would expect that it would be going down. Look at what happened. Here is where the complainants were. How many Members of Congress have gotten letters from people saying gas prices are too high? Probably quite a few of us. "Do something, Senator. Gas prices are too high." How many people have gotten a letter from a housewife, or somebody running a home, saying, "You know, my biggest problem is that I went to buy 5 pounds of sugar and it is so high I have to choose between clothes and shoes and sugar." Nobody is writing about that and complaining about the price for 5 pounds of sugar going through the roof. Do you know why? Because it is not.

Here is what has been happening. The people who use it—the large manufacturers who make candy—and I can name them, but I will spare them the embarrassment—have had their prices go up 6.4 percent, while a main ingredient, sugar, has been plummeting over here. Not the price of candy. A main ingredient's price has been going down, but the price of their product has been going up.

Cookies and cakes are big users of sugar. The most important thing in these products is probably sugar. Their prices have gone up 6.6 percent, according to the USDA, while the price of sugar, a main ingredient, has plummeted. Cereal? Big users. There are a lot of sugar-coated flakes for kids. Cereal prices have gone up 8.3 percent. The price of sugar to the farmer has plummeted.

The last one is ice cream. I love it. I would buy it no matter what it costs. It has gone up 9.8 percent. There is a lot of sugar in ice cream. What they are paying for the sugar is a lot lower than it used to be. Boy, their product price doesn't reflect that. If there are problems here, they are candy, cookies, cereal, and ice cream. It used to be the soft drink industry, but they got out and quit using sugar. Today the price of their product is more than it was when they were using sugar. And then look at the cans of artificially sweetened soft drink products and the cans of the naturally sweetened soft drinks; the price of an artificially sweetened soft drink is no less than the price of the one that is using the natural sweetener. Try to explain that when they say the real problem is sugar prices.

These are USDA figures, not mine and not sugar producers. Their prices have plummeted under the program. There is no direct Government subsidy. It is a loan. Sugar farmers have never forfeited one single loan since 1985.

They have paid it back, and paid it back in dollars, and it has been the same loan rate since 1985. It has been 18 cents. That program, designed to help everybody, has seemingly not helped the farmer very much. But it is the only thing we have. Like every other product and commodity that we try to help in a balanced fashion, it has done that.

I will conclude by saying that this is the same vote we had last August. The Senate spoke very clearly then, 66-33. I hope that we will do the same thing today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I guess I have been around this old business of agriculture about as long as anybody. We have seen high commodity prices and we have seen low commodity prices. Years ago, when we would get a high surplus of any type of commodity, the price went down and so did the price in the grocery store. We had to eat our way out of this thing, so to speak. It happened in livestock, pork and beef and chicken products. But that is not the case anymore.

I was interested in his chart showing how, even though the price of sugar has gone down, the prices of candy, cookies, other baked goods, cereal, and ice cream has continued to go up. I don't want anybody fiddling with my ice cream. I like it like it is. If it goes up a little bit, that is OK. But don't come back and say if all of the support is taken away from sugar, the prices will go down in the store. It doesn't work with this product. It was about a year and a half ago that live hogs hit an all-time low and got down to around 10 cents a pound. Yet, when I went to my grocery stores out here in Springfield, VA, and back in Billings, MT, guess what? Boned out, double-cut pork chops were still around \$5 to \$6 a pound.

Folks, I don't know how sharp your pencil is. But that "don't pencil." That just "don't pencil."

We are looking at a program that has cost the taxpayer virtually nothing. Yet it sustains many small farmers. Sure, there are a couple of big ones down in Florida. But there are a couple of big ones in everything. For the most part, this is support for farmers in the Big Horn Basin of Wyoming and the Yellowstone Valley between Billings and Sidney. It keeps them in business.

I ask the American people, when it comes to farm programs or insurance, do you insure your car? Yes. You do. Do you insure your house? Yes. You insure your house. Do you insure your life? Yes. We do that. I look upon this as just a little insurance policy. It doesn't cost us very much money, but it ensures that your grocery stores will be full of the most nutritious and safe food of any grocery store in the world.

and priced less than the percentage of the disposable income of any other place in the world. That is a pretty good insurance policy. We don't have to garden. We don't have to plant, or seed, or weed, harvest, or process. We can continue to do what we want to do in our profession. It is guaranteed that you are going to have that supply in any amount and fixed in any way and processed in any way.

We already talked about the numbers. But we are basically looking at people who have a great deal on the line. They risk a lot. They are subject to the elements. They have no control over that. They have no control over the retail end of the product—none whatsoever. If we are going to keep this very efficient food machine alive, this is the insurance policy that we all have. It serves this country very well.

I suggest that you not support the amendment offered by the Senator from Arizona. It is well intentioned. As the Senator from Louisiana said, it is indeed July.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see my friend from North Dakota on the floor. Of course our entire relationship is characterized by respect. Obviously he makes a strong case for his point of view. I not only respect but I appreciate and enjoy the verbal exchanges we have from time to time. He is a worthy adversary. I will not take very long.

It was alleged that marketing assessments are large amounts of money. That is true. I believe it is \$272 million or something such as that. But I think it is appropriate to mention that those marketing assessments in last year's omnibus bill were done away with. The sugar producers do nothing to address the budget deficit. I think an argument can be made that this Senator from Arizona may not be the most expert on agricultural issues. I plead guilty to that. I believe there are other issues in which I am better informed.

A cosponsor of this amendment is the chairman of the Committee on Agriculture, Senator LUGAR. Senator LUGAR is in support of this amendment. I am honored that the chairman of the committee is in support of this amendment. I think his viewpoint should also be taken into consideration, particularly with more gravity than mine.

There was a study conducted by the Center for International Economics. It was prepared as part of the trade agenda and conference on the 1st and 2nd of October 1999 in Geneva. I will read the beginning of this study:

If ever there was a case for multilateral trade liberalisation, and if ever there was a liberalisation from which the global economy stood to gain, it is sugar. The world sugar market contains some of the largest

and most blatant forms of trade protection. Many of these have a 300 year history. The worst of the worst are in developed countries. They greatly distort trade and prices. Although the world economy, consumers and efficient sugar producers stand to gain substantially from liberalisation, some producers, especially those in developed countries, stand to lose. And herein lies a political challenge—there are large vested interests that are likely to oppose sugar trade liberalisation. In the Uruguay Round these vested interests won hands down. Should they win again, they are likely to further undermine developed country credibility in the WTO and the WTO itself. Ultimately countries unilaterally liberalise trade. The best that multilateral forums can do is to assist that process. The biggest gains in trade liberalisation come from reducing the biggest distortions first. Giving prominence to sugar and other highly protected products in the WTO millennium round makes economic sense. Such prominence is also needed to help counter the vested interests opposed to reform.

They go on to say:

This taxation of consumers and protection of producers is highest in Japan, Western Europe and the United States.

We are the leading proponent of free and open trade. The United States has an enviable record, whether it be the North American Free Trade Agreement. Whether it be expansion of economic trade relations with China through Democrat and Republican administrations, we have been in pursuit of free trade. Clearly, we lose credibility when we stand as one of the highest protectionists for our sugar industry.

I say again with respect to my friend from North Dakota and the opponents of this amendment that I will be glad to work with them at least to means test this subsidy. Why in the world should one family get \$65 million in subsidies? That is remarkable when you think about it. Adding to that, they are harming the Everglades. Every objective study indicates that the runoff from pesticides and other pollutants in the Everglades is dramatically damaging the Everglades. Yes. The sugar companies are paying some money, but in comparison to the overall cost, the estimated cost of fixing the Everglades is minuscule.

I am not without sympathy for the farmers in North Dakota. I am not without sympathy for the farmers in Montana, Louisiana, and Idaho. But when they are encouraged to grow a crop which they would not grow if it were not for the subsidies, and in addition in some parts of America they are doing damage to our environment, then it is time we said enough.

Again, I strongly support a proposal to means test and to phase out these sugar subsidies. We phased out a large number of subsidies when we passed the Freedom to Farm Act. I would agree that the Freedom to Farm Act has had very mixed results. In fact, there are questions raised by many.

We eliminated and phased out wool, butter, cheese, powdered milk, and

other dairies. We capped cotton and reduced peanuts, wheat, and others. But we retain two quite remarkable products; that is, sugar and tobacco. I promise not to bore my colleagues with a tirade about tobacco. But the fact is that the sugar subsidy is one which needs to be eliminated. I think we all know that.

It is my understanding that the Senator from North Dakota, Senator DORGAN, after his remarks, will make a motion to table. I am certainly in agreement with that, or if there are other speakers, I would be glad to join into a time agreement, whatever is agreeable, with the Senator from Mississippi and the Senator from Wisconsin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am happy to oblige the Senator from Arizona and set up a unanimous consent agreement to limit time, if there are other Senators who want to speak.

I see the Senator from North Dakota on his feet. I assume he wants to speak on the amendment. I know of no other Senators who wish to speak who have not already spoken.

Senator CRAIG indicated an interest in making a motion to table the McCain amendment. We are about at that point where we are ready for a motion to table the amendment.

I will yield the floor if anyone wants to speak on the amendment.

Mr. MCCAIN. Mr. President, I ask the indulgence of my friend for a unanimous consent agreement that has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object.

Mr. MCCAIN. This allows the Commerce Committee to meet off the floor for the purposes of approving the nomination of Mr. Norman Mineta to be the Secretary of Commerce.

Mr. COCHRAN. No objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCAIN. I ask consent, notwithstanding any rule or other order, it be in order for the Commerce Committee to meet in executive session for the purpose only of reporting nominations to the Executive Calendar. Among those nominations is that of Mr. Norman Mineta, former Congressman and nominee to be Secretary of Commerce, immediately following the next rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. In the spirit of the unanimous consent agreement, let me try this: I ask unanimous consent the Senate vote on or in relation to the McCain amendment at 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I come to the floor to oppose the amendment offered by my colleague and friend from Arizona, Senator MCCAIN. I want to talk about a number of things that have been discussed about sugar, the sugar program, in this amendment.

First, let me talk about "free trade." There is not free trade in sugar around the world. It is not the case that the price that is described as the world price for sugar represents a free trade price. It is a fact that most sugar that is bought and sold around the world is bought and sold on contracts between countries. The quantity of sugar that is produced above that is sold on the dump market for dump market prices, but most sugar is traded or sold between countries on contract. So the price that is quoted as the world price for sugar is not the world price for sugar at all. That is a myth. That is No. 1.

No. 2, the issue of who is getting a subsidy; is someone getting a large subsidy? There aren't any subsidies. This is not a program that has a subsidy. This is not a program in which the taxpayer is taxed and money comes to the Federal Government and money is given to a producer. There are no payments to producers. There are no subsidies. That is the second point.

There are forces that have wanted to abolish the sugar program for some long while. The sugar program is not a program that gives a payment to a producer. It does create a circumstance of balance between production and imports in order to achieve a domestic price that provides stability for consumers and stability for producers. Some don't like that. Who are they? Well, they call themselves the Coalition for Sugar Reform. Who or what is the Coalition for Sugar Reform? Anyone can guess that. The American Bakers Association, the National Confectioners Association, the Biscuit and Cracker Manufacturers Association, the Chocolate Manufacturers Association, the Independent Bakers Association.

Let's look at these groups. The price of sugar has dropped 30 percent since last summer, to a 22-year low. The price of sugar has dropped by a third. Anyone who listens to me should ask themselves, have I purchased a candy bar lately? If so, did I see a reduction in the cost of the candy bar? Did I buy a can of soda? If so, was it cheaper than it used to be? The answer, clearly, is no. Sugar prices have dropped by 30 percent. Chocolate and candy prices are up by 6 percent. Cookies, cakes, and other bakery products are up by 7 to 8 percent. Cereal and ice cream prices are up by 9 percent. Buy just a bag of sugar at the store and see whether it costs 30 percent less.

Let's figure out where sugar comes from. It comes from a family farm in the Red River Valley of North Dakota. This family raises sugar beets. They buy a tractor, they buy other equipment with which to plant the seeds; then they buy fuel, they buy fertilizer, they get up in the mornings and gas up the tractor and go break the ground. They do the things farmers do. They take all the risks. They do all the work. And then they hope. They hope something doesn't happen to the crop. They hope it doesn't get burned out, flooded out, or have disease. If all of those hopes are realized, maybe at the end of the year they get a crop—maybe.

After risking all their money and working all year, if they get a crop, then maybe they get a crop that has a price above the cost of production. But maybe not.

Some say: It doesn't matter who is producing these things; we really don't care—talking about the organizations, the Coalition for Sugar Reform—we don't care where it comes from; we just want to get the world price for sugar, the dump price for sugar.

What is the result of that? The result means devastation of family farms in many parts of this country—those families who are out there trying to earn a living as best they can, whose fortune, whose future is based on events around the globe over which they have no control and whom these organizations would like to link to the world dump price for sugar. They can't make it. They wouldn't make it.

We have to ask the question, Is it reasonable for us in this country to decide we want to do a couple of things at once? One, provide stable prices for sugar for the American consumer. We have done that. U.S. retail prices for sugar are virtually unchanged for more than a decade. How many prices exist on the grocery store shelf where we can say that price is largely unchanged for an entire decade? Not very many. Sugar, we can.

Why is it we have price stability for consumers? It has not always been that way. We have seen times when the price of sugar has spiked up, up, way up. The sugar program has provided stability of price for the consumer. At the same time, it has tried to provide some basic stability of price for the producer that takes the risk of producing. Some don't like that. They say producers don't matter much here. They do matter. They are part of the economic backbone of this country. They are the salt of the Earth. The folks who are out there trying to make a living on America's family farmers—and yes, I say to those questions, yes, they are family farmers. If you doubt it, come with me and I will take you to a few. We will drive in the yard, see the equipment, talk to the family. These are family farmers producing sugar beets.

On another point about how well they do, the cost of production for sugar in this country is well below the cost of production in the world average. In fact, we have the lowest cost of beet sugar producers in the world. Yet they couldn't compete against dumped sugar at dump sugar prices. Should they have to compete in a global economy against dump sugar prices? The answer is no, of course not.

We ought to be willing to stand up for this country's producers. I am not at all embarrassed, and I will never be embarrassed, for standing up for the economic interests of America's producers, to say to them, you deserve an opportunity to have a fair return. That is what this program is all about. In my judgment, this amendment ought to be tabled by this Senate. I believe it will be tabled. I have a series of charts, but I think my colleague from North Dakota, Senator CONRAD, and Senator BREAU and Senator CRAIG and others have used the charts. They show prices. They show what has happened to our producers—a devastating price collapse.

Let me make one other parenthetical point. It seems to me, if you are going to start dealing with farm issues, the last thing you would want to do is go to one part of the farm program that historically has worked pretty well. We have had some problems with it in recent months for a number of reasons. Historically, this program has been the one part of the farm program that has worked. It seems to me you would not go to that one and take that apart. Make the rest of them work as well. But I think it is interesting that the same people who are the Coalition for Sugar Reform, they have one common ingredient in the things they produce—grains, oilseed, dairy and sugar. In every circumstance, the return for these commodities to the people who produce them—the people who get up in the morning, do all the work, do the chores, spend the day in the field, harvest the crops, and take all the risks—in every circumstance, we have seen a substantial decline: Wheat, corn, soybean prices less than half what they were 4 years ago; milk prices a little more than half what they were a year ago; sugar prices down by a third.

That is not, in my judgment, what this Congress, what this Senate ought to be expecting to have happen for our producers. I hope we will decide today, by an overwhelming margin, to table this amendment.

Let me end as I began. I have great respect for the Senator from Arizona and others who may feel the way he does. I do not in any way suggest what he is doing is something he does not believe passionately about. But I believe very strongly this amendment ought to be tabled. This Congress ought to be about the business of strengthening the sugar program and making that sugar

program work as it has worked for so many years, not taking it apart. This is not a circumstance where our farmers are competing in free trade. There is not free trade in sugar. It is not a circumstance where farmers are getting a subsidy. There is no subsidy paid to sugar producers. It is a circumstance where this is a program that deserves the support of the Senate this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is my understanding we have a unanimous consent agreement to hold a vote on or about the McCain amendment at 2 o'clock, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. With that in mind, Mr. President, I move to table the McCain amendment. I ask for the yeas and nays.

Mr. CONRAD. Will the Senator withhold? I would like to have another chance to speak.

The PRESIDING OFFICER. The vote is not to occur until 2 o'clock.

Mr. CRAIG. Can I not register that at this time, with the intent that it occur at 2 o'clock? That is my intent, not to shut off debate but simply to register a motion to table at this time.

I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DORGAN. Mr. President, does that allow debate to continue?

The PRESIDING OFFICER. It does.

Mr. CRAIG. It would allow debate to continue.

Mr. DORGAN. I was intending to offer the motion to table. I understood the Senator from North Dakota wished to speak. I think, if the Senator from Idaho is offering the motion to table, as long as there is debate time remaining, I support that.

Mr. CRAIG. There is time remaining for this or other amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. ENZI. Mr. President, I rise today in opposition to the amendment introduced by the Senator from Arizona, Senator JOHN MCCAIN, to strike funding for the sugar program. I cannot stress enough how important this program is to the sugar beet growers in my state of Wyoming and agricultural communities throughout the nation.

The sugarbeet farmers in Wyoming are already facing hard times. Almost one sixth of the sugar acreage in my State was just ravaged by a hailstorm and some fields are facing a complete loss. Since last summer, there has been a 30 percent drop in sugar prices to approximately \$0.19 per pound—a 22 year low. And this October, Mexico is scheduled to increase its sugar exports to the American market tenfold, to 250,000

metric tons. And now we are considering dropping the sugar program. This amendment simply kicks these farmers while they are down, taking away what little price stability there is in their business.

I would like to share with you a letter I just received from Wade Steiger, a sugar beet farmer in Frannie, Wyoming. Mr. Steiger writes "Dear Senator, I am currently in the sugar production business in the state of Wyoming and am wondering if I should remain in the business. What I need from you is your best assessment of the current mood in the body politic as to the direction of U.S. sugar policy *** With the deck stacked against me like this, it would seem foolish to remain in the sugar business."

Frankly, I'm not sure what to tell him. I know what I would like to tell him. I would like to tell him that we in Congress are committed to making sure that he will be able to get a fair price for his product and that we understand the cyclical nature of his business and that there is a need for a program—a no-cost program—that offers a little stability to sugar prices. If this amendment passes, I will have to tell him otherwise.

The sugar program has operated at no cost to the federal government since 1996 and the sugar purchase is not an outright payment to producers. This program covers the cost of purchasing surplus sugar which the government can then turn around and sell at a later date to recoup what is sometimes a large part of the up-front cost. Moreover, the sugar industry has already more than covered the cost of these purchases, with over \$279 million paid into the U.S. Treasury during the 1990's in a special sugar marketing tax.

Without this program, year-to-year supply changes caused by natural factors will lead to such price fluctuation that the profitability of sugar production would be too volatile for most farmers to stay in business. I believe that the government has a role to play in stabilizing commodity prices, especially when the program operates at no net cost to the taxpayers, as is the case with this program.

The U.S. produces beet sugar more efficiently and at a lower cost than any other country in the world, but currently these producers are at a disadvantage on the artificial world market. If every government around the world stayed out of the sugar production business, we wouldn't need a program to keep our farmers competitive. But the fact is that world sugar production is heavily subsidized, and it simply does not make sense for us to send U.S. jobs overseas by destroying our own sugar program.

I have the utmost faith in my farmers back in Wyoming, that in a truly free market they could grow sugar more efficiently and profitably than

anyone else in the world. But because of subsidies paid to protect less efficient farmers in the European Union, Brazil and other countries, the world dump market prices have averaged only about half of the price it would be in the absence of subsidies.

The E.U. remains committed to pouring money into a sugar support program that holds its prices at approximately \$.31 per pound.

Brazil's sugar production exploded in the past twenty years in the wake of its subsidy to produce ethanol from cane sugar. As Brazil has cut back its ethanol subsidy, the cane has been used to produce sugar and since the mid-1990's, its sugar production has doubled and its exports have tripled—all through its generous subsidies.

In their race to produce subsidized sugar, Brazilian farmers have also had the benefit of far lower labor and environmental standards than American sugar farmers. Brazil's cane industry turned valuable forest land into farmland and continues to employ tens of thousands of children in the dangerous work of cutting cane.

I believe the time has come to draw the line in this constant attack on rural America. This is not about farm welfare. This is not about protectionism. This is about giving our family farmers like Mr. Steiger a fair shake. I urge my colleagues to support a no-cost program that benefits these farmers and oppose this amendment.

I ask unanimous consent that Mr. Steiger's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WADE STEIGER,
Frannie, WY, July 3, 2000.

DEAR SENATOR: I am currently in the sugar production business in the state of Wyoming and am wondering if I should remain in the business. What I need from you is your best assessment of the current mood in the body politic as to the direction of U.S. sugar policy. As I read the current policy, the Mexicans will have free access to the U.S. market in the near future, and the Mexicans have just signed a NAFTA-like deal with the E.U. Under this arrangement the E.U. will have access to a U.S. taxpayer supported U.S. sugar market and would therefore effectively be getting a subsidy from both their own government as well as ours. With the deck stacked against me like this, it would seem foolish to remain in the sugar business.

My read on the political mood is that the sugar industry has been laid on the altar of free trade and, if politically expedient, will be sacrificed. I need to know if you or any of your colleagues intend to do anything to change the current situation before I decide whether or not to continue in this business. I understand that giving a straight answer to this question is politically risky, but I would appreciate an answer with a minimum of political "cover your ass". I am willing to take an answer in a non-recordable fashion, but I prefer that you take a clear stand on the issue.

Sincerely,

WADE STEIGER.

Mr. AKAKA. Mr. President, we are again debating the amendment by the Senator from Arizona. My colleagues may recall that this body rejected an identical amendment last year by a vote of 66-33.

As I mentioned on the floor last August, the sugar program remains a great bargain for the American consumer. It's also one of the least expensive food items you will find in an American kitchen. Sugar is probably the best bargain you can find at the grocery store today. American sugar farmers and the U.S. sugar program help make sugar affordable.

Consumers elsewhere around the globe do not enjoy the low prices we have in America. If you visit a grocery store in other industrialized nations you will get "sticker shock" when you pass the sugar display. Thanks to a farm program that assures stable supplies at reasonable prices, sugar is a remarkable value for American consumers. U.S. consumers pay an average of 17 cents less per pound of sugar than their counterparts in other industrialized nations. Low U.S. prices save consumers more than a billion dollars annually. That's why I say that the sugar program is a great deal for American consumers. Thanks to the sugar program, U.S. consumers enjoy a plentiful supply of sugar at bargain prices.

I urge my colleagues to reject this amendment. If Congress terminates the sugar program, not only will a dynamic part of the economy disappear from many rural areas, but consumers will also lose a reliable supply of high-quality, low-price sugar.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will go back to some of the things that were said here so the RECORD is crystal clear. When the Senator from Arizona says there are massive subsidies being paid to sugar producers, it is just wrong. That is not the way the sugar program works. There is not one nickel of payment made by the Federal Government to sugar producers—not one, not a penny. It is not a subsidy program here. That is not the way it works.

That is part of the problem we have. We have people who do not know the program—really do not know the economics of world agriculture, really know nothing about the sugar industry and the sugar program—out here trying to pass laws that would have draconian, dramatic effects. They really are ill-informed. I don't know a nicer way to say it.

When they say the world price of sugar is 8 cents, it is an absurdity. It costs 16 cents to 18 cents to produce sugar. How could the world price of sugar be 8 cents? It is not the world price of sugar, as has been said on the floor. The vast majority of sugar in the world sells under contract and those

contract prices are not part of the calculation of what the Senator from Arizona calls the world price of sugar. That is excluded from those calculations. So when they talk about a world price of sugar, that is not the world price; it is a dump price. It is that sugar which is left over which is a small part of the world sugar supply that sells that was not part of a contract. It is not a world price. That is a misnomer. It is factually incorrect.

Now let's go to the underlying assumption. The underlying assumption is that somehow the rest of the world is engaged in free market economics with respect to agriculture production. False. That is not even close to being right. Our major competitors, the Europeans, are spending about \$50 billion a year to support their producers—\$50 billion. Here are the comparisons. This is from the Organization for Economic Cooperation and Development. They are the ones who are in charge of keeping score on the question of who supports their producers at what level. Here is the European Union, our major competitor. They are supporting their producers on average \$324 an acre. Here we are: \$34 an acre. They are outgunning us 10 to 1.

What the Senator from Arizona says to us is we ought to cut this some more. We ought to cut our level of support even further. Let's engage in total unilateral disarmament in this world battle over agriculture markets.

What sense does that make? We tried that in the last farm bill. In the last farm bill, we cut our support for producers on average from \$10 billion to \$5 billion. We cut it in half on the theory that was going to be a good example for the Europeans and they would similarly reduce their support.

What happened? They did not cut their support by a nickel. Instead, they stayed steady on course, buying up world market after world market. The USDA tells us they are going to surpass the United States in world market share for the first time in anyone's memory. That is where we are headed. We are headed for a circumstance in which America, which has dominated world agricultural trade, is headed for the No. 2 position. And the Europeans believe, as they have told me, we are so prosperous that we will not fight back and, in fact, we will give up these markets.

I say to the Senator from Arizona, he would never engage in unilateral disarmament in a military confrontation. Why is he insisting on it in an agricultural market confrontation? It makes no sense. Here we are, outgunned 10 to 1, and he wants to make it an even greater disparity; to say to our producers: We abandon you. We wave the white flag of surrender; we want the Europeans to take over these world agricultural markets that have long been ours.

We have to quit being naive on what is going on in world trade. It is not free market. It is not free trade. It is managed trade; it is managed markets; it is a heavily subsidized battle over world market share. That is what is going on. We can choose to give up and run to the sidelines and give in or we can fight back. I hope the United States decides to fight back. I hope we decide we are not going to abandon our producers and allow our major competitors, the Europeans, to dominate world agricultural trade. In the long term, that would be an economic disaster for this country and certainly for the tens of thousands of farmers all across America who are dependent on the wisdom of this body to recognize what is happening, and to stand by their side and be ready to fight because I can assure you, that is what the Europeans are doing. They are fighting for world market share.

As one of the top Europeans described to me: Senator, we believe we are in an agriculture trade war with the United States. We believe that at some point there will be a cease-fire in this trade war, and we believe that whoever occupies the high ground will be the winner.

The high ground is world market share. They have told me at some point they think there is going to be a cease-fire, and whoever occupies the high ground will be the winner, and the high ground is world market share. That is what this is all about. The Europeans are aggressively spending to gain world market share to be in a position of world dominance in agriculture, and that strategy and that plan is working.

If one looks at the trend lines over the last 20 years, one will find the Europeans have gone from being the major importing region in the world to the major exporting region today. They have done it in 20 years. They have done it by discipline. They have done it by a plan. They have done it by a strategy. They are counting on us not to be paying attention. They are counting on us to give up. They are counting on us to give in. They are counting on us to wave the white flag of surrender.

I pray this body does not go any further down this road of unilateral surrender in world agriculture because we have already given up too much. The Europeans support their producers \$324 an acre. The United States supports its producers \$34 an acre.

The Senator from Arizona said: Let's make this disparity even greater. That is a disaster. That is a disaster, and we have the chance to stop it by this vote at 2 o'clock. I hope we take the opportunity.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of

Senator WELLSTONE offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

AMENDMENT NO. 3922

Mr. WELLSTONE. Mr. President, I call up amendment No. 3922.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. HARKIN, Mr. DASCHLE, and Mr. FEINGOLD, proposes an amendment numbered 3922.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide increased funding for the Grain Inspection, Packers and Stockyards Administration for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examinations of the competitive structure of the poultry industry, civil rights activities, and information staff, with an offset)

On page 9, line 6, strike "\$67,038,000" and insert "\$63,088,000, of which not less than \$12,195,000 shall be used for food assistance program studies and evaluations".

On page 23, line 21, strike "\$27,269,000: *Provided*," and insert "\$31,219,000: *Provided*, That not less than \$3,950,000 shall be used for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examination of the competitive structure of the poultry industry, civil rights activities, and information staff: *Provided further*,".

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senators HARKIN, DASCHLE, and FEINGOLD be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, before proceeding, I say to the Senator from Nevada, the Democratic whip, if we have a vote at 2, I believe I can finish with my presentation on this amendment and I will be pleased to go to another amendment right after the vote if my colleague wants me to move this along.

Mr. REID. Mr. President, I say to my friend from Minnesota—Senator COCHRAN is not here—we have been alternating back and forth. We appreciate the cooperation.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I will do this amendment and if there is a Republican amendment next, I will then follow that next Republican amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to offer this amendment, again, with Senators HARKIN, DASCHLE, and FEINGOLD, about competitive markets. I am hoping there will be a strong, if you will, free enterprise, pro-competi-

tion vote for this amendment, especially when it comes to looking out for the interests of our producers, in particular our Nation's livestock producers.

This amendment will fully fund the President's budget request for the Grain Inspection, Packers, and Stockyard Administration, called GIPSA, funding they need to look at market concentration.

What we see right now—and it is a disturbing trend in our economy and certainly a disturbing trend in the food industry—is an increasing concentration of power. We see inadequate price information both for producers and consumers. We see lack of competition. We see anticompetitive practices. Consequently, GIPSA has been asked to assume a more prominent role, as they should, in ensuring competitiveness—that is all this amendment is about—and fairness in the livestock industry. GIPSA is conducting a growing number of investigations on market concentration in agriculture, and they should be doing just this work. The point is, they should be adequately funded to do the job.

What this amendment does is ensure GIPSA has the resources to meet these additional responsibilities, and it increases funding for GIPSA—I say to Senators and staff, Democrats and Republicans, who are listening—by a total of \$3.95 million to fund these essential programs. I am going to list these programs in a moment.

I recall a gathering I attended in Iowa. Senator HARKIN I believe was there. Senator GRASSLEY was there. At this gathering, we had one family farmer after another basically saying: Where is the Packers and Stockyard Administration? Why are they not involved in representing us? Where are they as we see more and more of these conglomerates taking over more and more of the market and we do not have the opportunity to compete? They should be doing their job.

What we heard in return from Mike Dunn was: We will do the job, but we need the resources.

That is what this amendment is about: making sure they have the resources to do the job they are supposed to do by virtue of the law of the land.

What will the amendment do? It will add \$1.2 million for anticompetitive behavior investigations. This is to look at what is going on in the industry and aggressively pursue especially investigations into anticompetitive activity in the livestock industry.

There will be \$1.3 million for rapid response teams. This will enhance GIPSA's effectiveness in addressing major investigative issues of immediate concern when it comes to anticompetitive practices or trade practice issues.

It will allow for \$200,000 for the hog contract library. This will be used to

comply with section 22 of the fiscal year 2000 Ag appropriations bill. This is the mandatory price reporting.

There will be \$800,000 to examine the competitive structure of the poultry industry which will permit GIPSA to expand its activity in the poultry market to take a close look at characteristics of markets for poultry grower services.

There will be \$100,000 for civil rights activities which will allow GIPSA to resolve its backlog of EEO complaints and to increase emphasis on proactive efforts to maintain EEO goals and objectives. All of us are familiar with the grievances and the just cause of many African American farmers in our country.

There will be \$350,000 for information staff at GIPSA that will enable them to develop new educational programs which will be targeted to small and socially disadvantaged farmers and improve relations with producers.

This is a modest amendment. There should be strong support for this amendment. It is all about putting some free enterprise back into the free enterprise system. It is all about being on the side of our producers.

It simply says: Let's get the funding up to the administration's request. I think we should be doing much more than this, and I hope that by the end of this Congress—in fact, I do not hope, it absolutely has to happen—we will pass the Farmers and Ranchers Fair Competition Act which has been introduced by Senators DASCHLE and LEAHY, and a number of others of us who have worked on this as well. Really, what we ought to be talking about is some legislation that makes antitrust action a reality in this country. In the food industry we need it.

When I travel in the countryside—and I do quite often—the one issue on which farm organizations agree—they don't agree on many—the one issue that brings farmers and rural people together is that we need to have more competition. We need to have some antitrust action. These conglomerates have muscled their way to the dinner table, and they are forcing us out.

I do not know why we are so slow to take up this cause.

Let me give this amendment a little bit of context.

In the past decade and a half, we have seen an explosion of mergers and acquisitions and anticompetitive practices with record concentration in American agriculture.

The top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent.

The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

Forty-nine percent of all chicken broilers are now slaughtered by the largest four firms.

The list goes on and on.

The four largest grain buyers control nearly 40 percent of the elevator facilities in the country.

The result of this is that you have had this surge of concentration. You have these conglomerates which have a tremendous amount of power, you have GIPSA which does not have the resources to do the job, and you have the Senate that has not passed a strong piece of legislation that calls for antitrust action. As a result of that, the farmers, everywhere they turn, don't get a fair shake. When they look to whom they buy from, it is a few large firms that dominate the market. When they look to whom they sell to, it is a few large firms that dominate the market.

Everybody in this Chamber knows that if you are at an auction, you are more likely to get a good price when there are a lot of bidders. I think all of us are for competition. We need to have more competition, but we need to have a level playing field for our producers.

I want to report on both the horizontal concentration, that was reflected in the statistics I mentioned, but also the ways in which we have the vertical integration.

Take the pork industry. Pork packers are buying up what is called captive supply—hogs that they own or have contracted under marketing agreements. If this trend continues, you are going to see grain, soybean production—it will be basically from the very beginning, from the very point level of production, all the way to the super-market.

The problem with this kind of vertical concentration is it destroys competitive markets. Potential competitors often don't know the sale price for the goods at any point in the process. There is no price discovery—essentially no effective competition. If it continues at the current pace, we are going to basically have all the industry dominated this way.

Moreover, the vertical integration stacks the deck against the farmers.

In April 1999, there was a report from the Minnesota Land Stewardship Project that found: Packers' practice of acquiring captive supplies through contracts and direct ownership is reducing the number of opportunities for small- and medium-sized farmers to sell their hogs. With fewer buyers, and more captive supply, there is less competition for our independent producers.

I want to make sure we can at least get this additional \$3.95 million to GIPSA so they can do the job of being there on the side of producers, so they can do the job of investigating potential or real anticompetitive practices.

It is a modest amendment, but it is hugely important to family farmers.

Leland Swensen, president of the National Farmers Union, recently testified—he is right—

The increasing level of market concentration, with the resulting lack of competition in the marketplace, is one of the top concerns of [American] farmers and ranchers. At most farm and ranch meetings, market concentration ranks as either the first or second in priority of issues of concern. Farmers and ranchers believe that lack of competition is a key factor in the low commodity prices they are receiving.

Some of these big packers are raking in record profits while our livestock producers are facing extinction. The farm/retail spread, as every Senator from every agriculture State knows, is growing wider and wider and wider, between what our producers get paid for what they produce and what consumers pay. There is a whole lot of money and a whole lot of profit that is made in the middle. I do not mind that, but I would like to see the livestock producers and our other producers in our farm States get a fair shake.

If there is one thing farmers ask for more than anything else, it is a level playing field. If there is one thing they are worried about, it is this increasing concentration. We ought to be able to get this additional money to GIPSA.

The vote on this amendment is all about whether or not we are willing to be there on the side of these family farmers, whether we are on the side of making sure we deal with anticompetitive practices, and whether we take their concerns seriously.

One of the reasons I bring this amendment to the floor—yes, the administration asked for this additional \$3.95 million. I remember the meeting in Iowa with Senator GRASSLEY and Senator HARKIN. And I remember Mike Dunn saying: Give us the money to do the job. That is true.

As I have said, these conglomerates have muscled their way to the dinner table, and they have pushed our producers out. We have too few firms that dominate too much of the market, and we do not have enough competition. That is what this is about. I have said that.

But I also want all Senators to understand that this amendment is also offered in the context of the record low prices and the record low income. To tell you the truth, the AMTA payments are the only reason some of our producers are able to continue, although those payments all too often amount to a subsidy in an inverse relationship to need, and farmers are still demanding a decent price.

But the whole issue of price, the whole issue of producers getting a fair price, is highly correlated to whether or not there is going to be some competition. It is highly correlated to whether or not we are going to take antitrust action seriously.

There is a reason we passed the Sherman Act in the late 1800s. There is a

reason we passed the Clayton Act in the early 1900s. The reason is, to be there on the side of our producers.

This amendment is a small amendment. It is a modest amendment. But I think it puts Senators on record as to whether or not we are serious about antitrust action.

The health and the vitality of rural America, our communities—I say to the Presiding Officer, who knows quite a bit about agriculture, coming from the State of Illinois—is not based upon the number of acres of land that someone farms; it is not based upon the number of animals someone owns. The health and the vitality of rural America is based upon the number of family farmers who live in the community, because when family farmers live in a community, somebody is going to own the land; no question about it.

We will always have an agriculture industry. We are always going to have a food industry. What is a more precious commodity than food? It is more precious than oil. The question is, How many farmers are going to live in the community that supports the schools, that supports the churches, that supports the synagogues, that supports small businesses? The farm dollar, if you are talking about a family farm, multiplies in the community where people live, where they buy—a community they care about. When you move to these conglomerates basically being in control and absentee investment, absentee ownership, when they make a profit, they don't invest it back into the community.

John Crabtree of the Center for Rural Affairs sums it up this way:

Replacing mid-size farms with big farms reduces middle-class entrepreneurial opportunities in farm communities, at best replacing them with wage labor.

He goes on to say:

A system of economically viable, owner-operated family farms contributed more to communities than systems characterized by inequality and large numbers of farm laborers with below-average incomes and little ownership or control of productive assets.

Can't we get at least a little additional funding to GIPSA so they can do the job, so they can be there on the side of our producers, so they can investigate whether or not we have monopoly practices, so they can investigate whether or not family farmers are getting a decent price, so they can investigate whether or not we have a few packers who are in collusion, who are involved in anticompetitive practices? I think we can.

To provide a little more context, we are living in a time of merger mania. Joel Klein, who is doing a great job, head of the Justice Department's antitrust division, has pointed out that the value of last year's mergers equaled the combined value of all mergers from 1990 to 1996.

I heard Senator McCain make part of his argument. I am not sure I agreed

with all of his argument, but one of the things Senator MCCAIN focuses on, which is fair enough, is the whole issue of money and politics. I would argue that here we have a perfect example. Pick your industry. In agriculture, I am talking about the way in which these conglomerates have controlled the market. How about the airline industry? In my State of Minnesota, we are reading every other day that Northwest might merge with American Airlines. We have already heard about U.S. Air and United. We only have about six airlines now. We might get down to three megacompanies. The question is, What is the impact on consumers and what is the impact on the employees? What is the impact on the State?

I could talk about banking. I could talk about energy. I could talk about health insurance. I could talk about any number of sectors of the economy. I could talk about telecommunications. Look at what has happened since we passed that bill. Where is the protection for consumers? And with all due respect, when we talk about a key issue, the flow of information in a democracy, we don't want to have a few media conglomerates controlling almost all of the flow of information in a democracy.

I am speaking about the food industry, this very modest amendment. We make policy choices. We paved the way for family farming with the Homestead Act. It was a good thing to do. We enacted parity legislation which was all about better prices, fair prices for family farmers in the 1940s. It was a good thing to do. Then we cut loan rates in the 1950s and 1960s. We passed the "freedom to fail" bill—I call it the "freedom to fail" bill—a few short years ago. It dramatically reduced prices farmers got in the marketplace. I don't think it was a very wise thing to do. Above and beyond all of that, today, what I am saying is, let's at least vote for this modest amendment.

Going back to Lee Swenson's testimony, of the National Farmers Union:

The remaining firms are increasing market share and political power to the point of controlling the governments that once regulated the firms. Some of the biggest corporations have gotten tax breaks or other government incentives. . . . Corporate interests have also called on the government to weaken environmental standards and immigrant labor protections in order to allow them to reduce production costs.

The bigger these agribusinesses get, the more influence they have over our policy choices. The bigger they get, the more money they can spend on political campaigns. The bigger they get, the more lobbyists they can hire. The bigger they get, the more likely they are to be named special U.S. trade representatives, as is the case with the CEO of Monsanto. The bigger they get, the more likely public officials will be to confuse their interests with the pub-

lic interest, even if they don't already do that. And the bigger they get, the more weight they will pull in the media. It is a vicious cycle. These conglomerates have entirely too much political power. Their overwhelming size makes it too easy for them to dictate policies and to get even bigger.

There is something we can do in the short term. That is what this amendment is about. We can provide GIPSA with adequate funding to conduct on-the-ground investigations of market concentration.

This is a modest amendment. We ought to have 100 votes for this amendment. Over the longer term, we ought to do more. We ought to focus on how we can enhance the bargaining power of our producers. We ought to figure out how we can be there on the side of producers, on the side of farmers, on the side of ranchers, on the side of rural America, and on the side of consumers. I look forward to bringing a significant piece of antitrust legislation that Senator DASCHLE has introduced to the floor of the Senate and having a major debate about what kind of antitrust action makes sense.

Referring to the minimum wage, in many ways that is what family farmers are saying, too. We have families in the country who are saying: We want to be able to make enough of a wage that we can support our families. We have family farmers who are saying: We want to be able to get at least a decent price so that we can afford to support our families.

We should be sensitive to that concern. We should do no less than to at least pass this very modest amendment. This amendment would increase the fund for GIPSA by \$3.95 billion to fund essential programs. The offset comes out of ERS.

I think this vote is a vote that is critically important in farm country. It is also a critically important vote for Senators who are on the side of consumers. I hope we will have strong support for it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, to my understanding, the Senator from Mississippi, the manager of the bill, wishes to make a motion to table. If that is the case, I would like to enter into a unanimous consent request that the vote occur following the vote on the motion to table on the sugar amendment.

Mr. COCHRAN. Mr. President, if the Senator will yield, it was my intention to move to table the Wellstone amendment, but I understand there may be other Senators who want to speak on that amendment. I do not want to cut off anybody. I do not intend to move to table at this time.

Mr. WELLSTONE. I thank my colleague for his courtesy.

Mr. COCHRAN. Mr. President, I am hopeful that the Senate will seriously consider the proposal the Senator from Minnesota made. Senator WELLSTONE offered an amendment to actually cut the Economic Research Service funding provided in this bill and add the money to the Grain Inspection, Packers, and Stockyards Administration for some investigations. He lists the investigations that ought to be undertaken, which would be funded by this additional money. The fact is, any amount of money could be spent investigating these subjects. He lists these: investigations of anticompetitive behavior; rapid response teams; the hog contract library; examinations of the competitive structure of the poultry industry, civil rights activities, and informational staff.

What I am saying is that I would hate for the Senate to be put into a position of having to analyze this and trying to figure out if we have enough money for the Grain Inspection, Packers, and Stockyards Administration and all of the responsibilities they have. We have tried to go through the President's budget request, analyze it carefully, and then present to the Senate an allocation of limited funds, and suggest that this is appropriate for the Senate to pass. We think the Economic Research Service, to be cut as proposed by Senator WELLSTONE, would be put in a difficult position of trying to provide accurate, reliable information that is helpful to farmers who are in the business of producing crops and commodities, who make their living at this, and who depend upon the Government agency that will be cut by this amendment. We think the funds are needed. We have checked with that agency to see what the impact of this offset would be on them, and they—maybe predictably—suggest that it would work a real hardship.

We have had a difficult time making available funds for some of these agencies to accommodate pay increases, staffing requirements, and all of the other items of expense in the operation of the Department of Agriculture that would support important economic activities in our country. And so rather than try to figure out what to try to do with this amendment and how to resolve it, I really think the best thing to do is to move to table it and ask the Senate to support the committee's judgment.

I have a lot of regard for the Senator from Minnesota and his enthusiasm for these subjects. I sympathize with his concerns. He has made a good speech. He has made a persuasive appeal to the Senate. In spite of that, I really think we need to stick with the committee's judgment on this. This bill has been developed on a bipartisan basis, with the full participation of Senators on the Democratic side. We have listened to suggestions from all Senators on both

sides. So my hope is that the Senate will trust the committee. That is what the committee structure is about when it comes to questions such as this. There is no way for each individual Senator to look at this amendment and figure out all the practical consequences of it, consider the offset suggested, and then make a decision.

Do you support the amendment offered by the Senator from Minnesota or do you support the committee? That is the issue. I hope the Senate will support the committee's judgment on this issue.

I know now, after inquiry, that there are no other Senators who have asked to speak on this amendment. I move to table the Wellstone amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the vote on the Wellstone amendment occur immediately following the vote on the motion to table the McCain amendment, which is going to take place at 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that no second-degree amendments be in order to the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3917

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I know we are getting ready to vote in a few minutes. I wanted to thank my distinguished colleagues from Mississippi and Iowa for managing an important appropriations bill. It is so important to my State of Louisiana and to many States and communities in this Nation.

I want to take 2 minutes, though, to address the sugar issue that was earlier debated on the floor and to submit some things for the RECORD. I listened to the debate this morning, and I know the sugar program, every year, seems to conjure up all sorts of images that the opponents of this cost-effective program try to use: "It is a sweet deal." "It is a candy-coated program." "It leaves a sour taste in people's mouths." Don't let these quick sound bites fool you. All the sugar farmers and sugar beet farmers and producers in Louisiana and other communities who support these farmers and producers want is fairness.

Mr. President, there is nothing sweet about fatigue. That is what many of our farmers in this Nation are experiencing this year—fatigue. They are tired. They are stressed. Prices are low. There is drought in many areas of our Nation. Farmers have been through a tough time, and sugar farmers are no exception.

This is a program that works. This is a program to which the taxpayers provide very little money. This is a loan program. Actually, as has been said in the RECORD over and over again, the sugar policy that we now have supported overwhelmingly—good support year after year—doesn't cost the Government anything. It has been a revenue raiser of nearly \$300 million during the decade of the nineties. All of the 300 to 400 sugar farmers in Louisiana, their suppliers, and the communities that support them want is fairness. They would be shocked to know that the program that we understand as a loan program is termed by some as a "giveaway" program because they believe they are giving back. They believe they are paying taxes, and they are. They believe they are supporting communities in Louisiana and others around the Nation. It is not just Louisiana; it is Florida, Texas, California, Wyoming, and Montana, as I can see and share from the map in front of me.

This is an important industry in our Nation, and I think the underlying amendment would be devastating, obviously, to eliminate this program at a time when there is such a great need and at a time when it is actually a revenue raiser.

Let me also make a point that the opponents of the sugar program argue that we are trying to kill all imports. Nothing could be further from the truth. Nearly 20 percent of all of our sugar needs are met from imports from 40 different nations. This program works. It is a loan program. It is an issue of fairness. It is a time of difficulty. It is not time to eliminate this program now.

I urge my colleagues on both sides of the aisle to vote against the underlying amendment that would eliminate this program, which has been helpful not only to Louisiana but to many States and many communities around the Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote "aye."

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—65

Abraham	Dorgan	Lieberman
Akaka	Dubin	Lincoln
Allard	Edwards	Lott
Ashcroft	Enzi	Mack
Baucus	Graham	McConnell
Bayh	Grams	Moynihan
Bennett	Grassley	Murkowski
Bingaman	Hagel	Murray
Bond	Harkin	Reid
Boxer	Hatch	Robb
Breaux	Helms	Roberts
Bryan	Hollings	Sessions
Burns	Hutchison	Shelby
Campbell	Inhofe	Smith (OR)
Cleland	Inouye	Stevens
Cochran	Jeffords	Thomas
Conrad	Johnson	Thurmond
Craig	Kerrey	Torricelli
Crapo	Landrieu	Warner
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Domenici	Levin	

NAYS—32

Biden	Gramm	Reed
Brownback	Gregg	Roth
Byrd	Hutchinson	Santorum
Chafee, L.	Kennedy	Sarbanes
Collins	Kerry	Schumer
DeWine	Kohl	Smith (NH)
Feingold	Kyl	Snowe
Feinstein	Lugar	Specter
Fitzgerald	McCain	Thompson
Frist	Mikulski	Voinovich
Gorton	Nickles	

NOT VOTING—2

Bunning Rockefeller

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3922

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3922. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—51

Allard	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Breaux	Grams	Nickles
Brownback	Gregg	Roberts
Byrd	Hatch	Roth
Campbell	Helms	Santorum
Chafee, L.	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
Craig	Kohl	Specter
Crapo	Kyl	Stevens
DeWine	Lincoln	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Fitzgerald	Mack	Warner

NAYS—47

Abraham	Baucus	Bond
Akaka	Bayh	Boxer
Ashcroft	Bingaman	Bryan

Burns	Hollings	Murray
Conrad	Inouye	Reed
Daschle	Johnson	Reid
Dodd	Kennedy	Robb
Dorgan	Kerrey	Rockefeller
Durbin	Kerry	Sarbanes
Edwards	Landrieu	Schumer
Feingold	Lautenberg	Smith (OR)
Feinstein	Leahy	Torricelli
Graham	Levin	Voinovich
Grassley	Lieberman	Wellstone
Hagel	Mikulski	Wyden
Harkin	Moynihan	

NOT VOTING—1

Bunning

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the motion to table was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROCKEFELLER. Mr. President, could I just offer a unanimous consent request?

Mr. HATCH. Mr. President, I yield without losing my right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

EXPLANATION FOR NOT VOTING

Mr. ROCKEFELLER. Mr. President, on rollcall vote No. 219 I was unavoidably detained and missed the vote. Had I been present, I would have voted for the motion to table the McCain amendment. I ask unanimous consent that I be so recorded.

The PRESIDING OFFICER. The RECORD will reflect the Senator's decision.

The Senator from Utah.

Mr. HATCH. Mr. President, Senator DURBIN and I wanted to take this opportunity to urge support for our amendment which is intended to speed up generic drug reviews at the Food and Drug Administration. We are pleased to announce that the Hatch-Durbin amendment is cosponsored by Senators DEWINE, LEAHY, WYDEN, FEINSTEIN, GRAHAM of Florida and VOINOVICH.

Specifically, our amendment increases funding for FDA's Center for Drug Evaluation and Review by \$2.0 million over the Committee-recommended amount.

We intend these funds to be used to provide much-needed additional resources, that is, appropriately-equipped staff, to the Office of Generic Drugs. This will help them reduce review times for generic alternatives to brand-name pharmaceuticals, a considerable benefit to the consumer.

One way they can do this is by establishing an additional chemistry division which will allow OGD to increase its efficiency thus permitting applications for new generic drugs to be considered and approved much more rapidly, giving patients access to these products much more quickly.

Mr. President, when I travel throughout my home state of Utah, I am besieged by constituents who raise very valid complaints about the need to improve drug coverage for the elderly and others who cannot afford needed medicines. I am very sympathetic to those concerns, and have made this a high legislative priority.

But while we are in the midst of devising a program to improve Medicare coverage of pharmaceuticals, it is important to remember that generic drugs offer a less-costly, safe alternative to brand-name medicines for seniors and others who cannot always afford prescription drugs.

Our amendment will help offer those who are struggling to make ends meet a viable alternative. It will help get less expensive and more affordable prescription drugs on the market more quickly so that seniors will have additional choice when it comes to purchasing their medications.

None of us wants these vulnerable citizens to be faced with the Hobson's choice of whether to purchase food or needed medications. The American public, especially our seniors, can only benefit from having more generic drug products available to them.

The problem we face is that the level of FDA resources devoted toward the review and approval of generic drugs can be termed "modest" at best.

The Office of Generic Drugs is currently funded at \$37.8 million and was flat-lined in the Administration's FY 2001 budget request.

In contrast to this relatively modest sum available for generic drug review, I would point out that the overall budget for human drug review at the FDA Center for Drug Evaluation and Research is \$308 million. This represents a total of 2,554 full time equivalents.

So the amount devoted to generic drug barely exceeds 10 per cent of the human drug review budget.

Hiring additional professional review personnel, together with the necessary computer equipment, at OGD would cost about \$100,000 per reviewer. So our amendment will translate into about 20 additional staff members and the computer equipment they need which would certainly be adequate to fund a new chemistry division.

The FDA generic drug program currently utilizes about 370 staff members. This amendment, coupled with the \$1.2 million, already in the Senate bill will give the generic drug unit at FDA a needed shot in the arm.

As a principal author of the Drug Price Competition and Patent Term Restoration Act of 1984, I have long been interested in how we can provide better access to pharmaceuticals, which can do so much to improve the health of the American public. Our nation needs both innovative new drugs and affordable generic drugs.

I am particularly pleased that today about 40 percent of all U.S. prescriptions are written for generic products—most of which were made available for generic competition under the 1984 law.

These generic drugs save consumers about \$8 billion to \$10 billion each year. And that's according to a CBO estimate based on 1994 data, so it seems reasonable to project that today's savings must be even higher than the old \$8 billion to \$10 billion annual savings estimate.

Many of us have been pleased to learn that, since 1994, generic drug approval times have generally decreased: the median approval time was 26.9 months in 1994; 27.0 months in 1995; 23 months in 1996; 19.3 months in 1997; and, 18 months in 1998.

Unfortunately, this five year downward trend was reversed in 1999. The approval time rose to 18.6 months. This was in a year when the number of products approved actually fell from 225 drugs to 186 drugs. So the time per completed review grew for the first time in 5 years and it is now growing at a time when many important drug products will be coming off patent.

We cannot afford to let this continue.

The data on the monthly averages pending applications are also troublesome. Under the law, FDA has 180 days to act on a generic drug application.

Let's look at what is happening with the number of generic drug applications that are overdue—that is at FDA for more than 6 months. In 1995 the monthly average of backlogged generic drug applications was 46 applications.

This number increased to 59 in 1996.

It jumped to 109 in 1997.

In 1998, it rose to 127 overdue applications.

And last year, the average monthly number of overdue generic applications rose again to 147 overdue applications.

So the number of overdue generic drug applications has grown by more than 300 percent since 1995.

Clearly, this trend needs to be reversed.

It seems obvious to me that we want FDA to have sufficient resources to efficiently evaluate generic drug applications. The funds the Hatch-Durbin amendment provides would be sufficient to fund about 20 full-time equivalents (or "FTEs") in the Office of Generic Drugs.

Given the fact that so many important medications are about to lose their patent status, it is imperative that FDA has the necessary skilled personnel and computer equipment to do the job of assuring the American public that generic drug products come on the market as soon as possible.

We need to make sure that FDA's Office of Generic Drugs has sufficient resources to conduct timely reviews of generic drug applications. That's what this amendment accomplishes, and that is why Senator DURBIN and I have

joined together in a bi-partisan manner to work to see that the promise of more affordable generic drug products reach the American public.

Mr. President, this is an important amendment. I am pleased that the managers are willing to put it into the bill. I think it is something that will benefit everybody in this country. Hopefully, we can resolve some of these conflicts with regard to generic drugs and help bring the price of drugs down, as the Hatch-Waxman bill has done for the last 16 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join my colleague, the Senator from Utah, Mr. HATCH, in offering this amendment for consideration by the Senate.

This is an amendment which will provide \$2 million more for the processing of approvals of generic drugs.

We are all familiar with the issue of prescription drug prices. We certainly understand that Congress should do as much as possible to help reduce the high cost of these prescription drugs, particularly for the elderly and disabled.

One of the things we are doing with this bipartisan amendment is providing more money to the Food and Drug Administration for generic drug approvals. The high prices of drugs can be significantly reduced by putting more generic drugs on the market. Generic drugs typically enter the market 25 to 30 percent below the cost of brand name drugs and within 2 years are 60 to 70 percent cheaper than brand name drugs. Increasing the development of safe and effective generic drugs, is good for American consumers.

Key to increasing access to such drugs, is making sure that the approval process is as efficient as possible. This chart illustrates the number of applications pending more than 180 days before the Food and Drug Administration for generic drugs. As we can see, the numbers have continued to increase. This is because the numbers that the Food and Drug Administration is being asked to approve has increased over the past few years.

In fact, the median approval time for generics has steadily decreased from 19.6 months in 1997 to a little over 18 months in 1998 and 17.3 months in 1999. But under the present budget, according to the Food and Drug Administration, they are estimated to go up again in 2000 and 2001, and we are going to see a slowdown in the approval of generics.

Senator HATCH and I have offered this amendment to provide \$2 million to the Office of Generic Drugs. It is on top of the increase which the bill already puts in place of \$1.2 million. This money will allow them to hire the professional people to approve the drugs, to put the computers and technology in place so that they can move forward

with new ways to assess the drugs on a more timely basis, and to make certain that these drugs are available for American consumers as quickly as possible.

Very soon some of the blockbuster patent drugs are going to come off patent. Let me give some examples: Mevacor for high cholesterol, Vasotec and Zestril for high blood pressure, Glucophage for diabetics, Accutane for cystic acne, Lovenox to prevent blood clotting and Prilosec for those with stomach acid, heartburn or ulcers. These brand name drugs have sales of billions of dollars. Prilosec alone has sales of over \$2.8 billion annually. Together, these drugs represented over \$8 billion in sales in 1997. This year, their sales are certainly far more than this.

If we want to make certain these drugs move from brand name to generic so consumers across America can afford them, then the investment in the Food and Drug Administration which Senator HATCH and I propose is money well spent. I am happy to join Senator HATCH in this effort. I hope the Senate will approve this amendment and make it part of this appropriation bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, may I ask exactly how we are proceeding here?

Mr. REID. Mr. President, I think what the manager of the bill wanted to do was to have the Harkin amendment disposed of at this stage.

Mr. COCHRAN. Mr. President, if the Senator will yield, the pending business is the Cochran amendment to the Harkin amendment. It would be helpful, just as a coherent way of proceeding with the bill, if we would proceed in regular order.

Mr. REID. Senator HARKIN is here.

Mr. COCHRAN. It is my hope we could proceed to dispose of that amendment.

Mr. REID. Momentarily, we should.

Mr. COCHRAN. As I suggested earlier, if the Senator will yield further, it would suit me if we adopted both the Cochran amendment and the Harkin amendment on a voice vote to try to resolve the issue in conference with the House. I made that suggestion earlier.

Mr. REID. I suggested that to Senator HARKIN and when I spoke to him earlier today, he was not willing to do that.

Mr. WELLSTONE. Mr. President, I ask both Senators, the Senator from Mississippi or the Senator from Nevada, after we make a decision as to how we will proceed with the Harkin amendment and the Cochran amendment, am I in order next or do we go to an amendment on the other side? Just so I know whether I should need to be here. I am trying to move things forward.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate that spirit of cooperation very much. I hope we can move on and complete action on the bill sometime this afternoon. To do that, we are going to have to act on the amendments we have that are going to be offered. It doesn't matter, in my view, who goes next. I don't really care. I am anxious that we proceed and move along and make good progress on the bill. Some Senators have already indicated that the list of amendments we have in order to be offered to the bill will not all be offered. That is good news. We have had some Senators suggest that they are willing to forgo offering their amendments.

Mr. REID. Mr. President, if I may reclaim the floor, the two leaders have instructed the managers of the bill, as I understand it, that they want to finish this bill today. Is that the manager's understanding?

Mr. COCHRAN. It is.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that as soon as we make a decision on the Harkin amendment, I be allowed to offer an amendment.

Mr. REID. I think there is already a unanimous consent agreement that following the amendment by the majority, the Senator from Minnesota will be next in line.

Mr. WELLSTONE. I thank the Senator.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3938

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the regular order right now?

The PRESIDING OFFICER. The pending question is on the Cochran amendment.

Mr. HARKIN. Thank you.

Mr. President, let's go back to where we were a few hours ago when I first offered an amendment this morning. That amendment would state clearly that the Department of Agriculture—the Secretary of Agriculture—had the authority to set standards for pathogen reduction in meat and poultry inspection. Again, the amendment was carefully drafted not to set the standard. That should not be our business.

The reason for the amendment was precipitated by a court case in Texas in May in which a Federal district court judge found that the Department of Agriculture—the Secretary of Agriculture—lacked the statutory authority to set and enforce pathogen reductions in meat and poultry inspection.

When the Department established its new inspection rules in 1996, the USDA adopted a new food safety system based on hazard analysis, critical control points, and pathogen reduction standards, otherwise known now as HACCP. The system was designed to protect human health by reducing the levels of bacteria contamination in meat and poultry products. It has been in existence now for 4 years.

What then happened was we had this plant in Texas, Supreme Beef. Three times they were warned by the inspectors that they were not meeting the salmonella reduction standards. Three times they failed. It is not that they weren't warned adequately; they were. On the third time when they failed it, the USDA did the only thing they could do under the authority they have, and that was to withdraw inspection from the plant, and, in effect, by withdrawing inspection from the plant, the plant had to shut down.

The plant hired attorneys and took the case to district court and got an injunction. They got an injunction against the USDA so that they could keep operating, and they did. Then the judge decided, after a hearing, that the USDA lacked the legislative and statutory authority to both implement the rule and to enforce it. That is why we are here today with this amendment.

We have worked long and hard on this. This is not something new. During the 1980s and 1990s, both the House and the Senate Agriculture Committees had numerous hearings. The Department of Agriculture, under both Republican and Democratic Presidents, had numerous field hearings and rule-making procedures. They eventually came up with this new program that blended the old inspection program with new flexibility for industry and new standards for pathogen reduction.

Why was this necessary? Because we have bigger plants now, faster assembly lines, meat and poultry go through the system faster; and we also found increases, according to the Centers for Disease Control, in a number of foodborne illnesses that we had not seen before in our country. So we wanted to have a system whereby we could assure consumers of the highest level of confidence that once that meat left the slaughterhouse, once it left the processor, it would be as safe as possible.

Here again are CDC's statistics on foodborne illness. I had this chart this morning. It indicates that there are 76 million illnesses every year because of foodborne pathogens, 325,000 hospitalizations, and 5,000 deaths.

Now, since we established the rule in 1996, salmonella rates in ground beef have dropped 43 percent for small plants and 23 percent for large plants.

Since these performance standards were issued in 1996, we have had this big drop in salmonella in ground beef.

The standard is working. But now a district court has said USDA lacks the statutory authority to enforce that standard. That was why I offered my amendment this morning. Not to set a standard but only to say USDA has the statutory authority to enforce a standard once it has been set. Adoption of my amendment doesn't mean that a packing plant or a processing plant couldn't still go to court and say: Your rule is arbitrary or it is onerous or it is inapplicable. But we never got to that in the Supreme Beef case. The Court just said they lacked the authority to set the rule.

So they have thrown overboard years and years of work by the Senate Committee on Agriculture, the House Committee on Agriculture, and the Department of Agriculture under both Republicans and Democrats, and Republican and Democratic Secretaries of Agriculture to make progress in improving food safety.

This morning, I tried to give statutory authority to the Secretary of Agriculture because without authority to enforce food safety standards, consumers are left exposed in this country. All we are trying to do is give them that authority.

There was a motion to table the amendment made by the Senator from Mississippi. The motion to table lost on a tie vote. The Senator from Mississippi then put a second-degree amendment on my amendment. We were taking a look at it trying to figure out exactly what it did. It only changes a few words in my amendment. My amendment says at the end, standards "established by the Secretary"—not our standard but standards set by the Secretary. The amendment by the Senator from Mississippi strikes that "established by the Secretary" and says "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods." The key part of his amendment is "and that are shown to be adulterated."

What do those words mean?

First of all, when they say "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods," the committee was there when they first came up with the standards. They had input on the standards when they were established in 1996. There may be debate about the extent of consultation, but they were consulted. But the key words of the amendment by the Senator from Mississippi are these: "that are shown to be adulterated."

What does that mean? If the amendment of the Senator from Mississippi is adopted, it will mean that the Department of Agriculture will have to go all the way back and again go through rulemaking to develop new performance standards. We, under the amendment of the Senator from Mississippi, are codifying a standard.

The Senator from Mississippi, this morning, was saying the amendment that I offered was codifying the standard. I challenged him to show where that was so. It is not so. We do not codify a standard. Yet the amendment of the Senator from Mississippi codifies a standard. What is that standard shown to be? Adulteration; that is the standard.

What does that mean? It means that USDA now can't just go into a plant and test for pathogen reduction and for salmonella and say they are not meeting the standard on salmonella—that they are failing to reduce pathogens. They now have to show that the meat is adulterated. That is what we have been doing for 70 years. A USDA inspector in a plant has had that authority for all of my lifetime, and for all of the lifetime of the Presiding Officer. They have the authority to go into a plant and withdraw inspection on the basis of adulteration. That is the old standard.

The Senator from Mississippi would turn the clock back to where we were before 1996. No longer will we be able to say to parents: Your kids can have school lunches and not worry about pathogens because we have a pathogen reduction standard that is being enforced. No, we will have a gaping hole there because USDA will now have to show that the food is adulterated. It will have to show that the plant is unsanitary. That is what we tried to get beyond in 1996.

The key part of the amendment by the Senator from Mississippi is that it codifies the adulteration standard as the essential element of pathogen reduction standards. Yet the Senator from Mississippi went after this Senator, just this morning, claiming that I was trying to codify a standard, which I wasn't. The judge in the Supreme Beef case said that for the USDA to take action, it had to show adulteration. That was the key part of the case. The judge said under the statutory law that exists, the only way the USDA can shut down an inspection line is if they show that it is adulterated—not that they didn't meet a salmonella reduction standard, not that they had pathogens in their food. They have to show that it is adulterated, that there are unsanitary conditions in the plant.

Based on that holding, the judge said the USDA lacked the authority to enforce the existing salmonella standards. This amendment takes the holding in the Supreme Beef case, and makes it the law of the land. It makes the standard "adulteration". This amendment would make it the law of the land—not just in Texas but all over the country. Why would we want to do that? If we have to go back to "promulgate with the advice," we will be another 2, 3, or 4 years waiting for pathogen reduction standards.

What do we tell our consumers in the meantime? There is no standard. We go

right back to where we were before. What do we tell the 325,000 Americans hospitalized every year because of foodborne illnesses? What do we tell the parents of kids eating school lunches? This amendment by the Senator from Mississippi would throw all of our meat inspection into a huge morass. It would basically say we are back now where we were 30 years—poke and sniff and have to prove that it is adulterated, or have to prove it is unsanitary.

What does that mean? Salmonella can enter meat, for example, anywhere. It can enter it in the livestock yards, slaughterhouses, transportation, processing facilities. The point is not to lay blame on anyone. It is not to have the processor say: Our plant is clean, it is sanitary, and if there is salmonella there, we are not to blame, go blame somebody else.

I don't care who is to blame. I want to stop it. We want to stop it. We want to make sure that there is a system in place so that if there are pathogens in meat and poultry, we find out where they are coming from and stop them. That is what HACCP is all about. But under the amendment by the Senator from Mississippi, USDA could go right back to Supreme Beef, and they could say: Guess what. You are not meeting the salmonella pathogen reduction standard we set, you have failed too many tests. Supreme Beef could say: We don't care what you think because you don't have the authority to do anything about it. Is that the kind of message we want to send to our consumers?

I don't have any letters in my office, but someone told me there are some papers circulating that the American Meat Institute is opposed to my amendment and supporting the amendment by the Senator from Mississippi. I have worked many years for the American Meat Institute. I have a high regard for them. I have a lot of livestock production in my home State. I have slaughtering facilities and processing facilities in my home State. If it is true the American Meat Institute is taking the position that the USDA can only have a pathogen reduction standard based on adulteration, they are doing a disservice to my livestock providers, they are doing a disservice to my packers, and they are doing a disservice to my processors.

Why? Because the word will be out on the street, and it will be in every consumer report. It will be in every newsletter that goes out that you can't trust the meat and poultry products that are coming from our processors and our packers because we no longer have a pathogen reduction standard.

Let me be very clear. If the Cochran amendment is adopted, new rulemaking will be mandatory. It will take at least 2 or 3 years to set the rules because they will have to have hearings

and public comment. They went through all that less than 6 years ago. The Cochran amendment means they have to go through it again.

What happens during the next 2 to 3 years while the rulemaking is in effect? There will be no standards in effect, no pathogen reduction standards in effect. I hope Senators who are here, who are listening in their offices, and staffs who are listening, understand this. The Cochran amendment will necessitate new rulemaking. It will take a long time, and during that period of time, there will be no pathogen reduction standards enforceable by the USDA.

If the Senator wanted to amend his amendment and just say that would be issued "with the advice of the National Advisory Committee on Microbiological Criteria for Foods, period," that would be acceptable.

Mr. COCHRAN. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

AMENDMENT NO. 3955, AS MODIFIED

Mr. COCHRAN. I ask unanimous consent that my amendment to the Harkin amendment be modified as suggested by the Senator; that the last phrase be stricken—"and that are shown to be a adulterated"—so the amendment to the amendment reads:

Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment, as modified, is as follows:

On page 2 of the amendment: Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

Mr. HARKIN. Mr. President, I ask the Senator from Mississippi if I can engage in a colloquy.

The Senator's amendment now reads "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

Mr. COCHRAN. That is correct. I have modified my amendment according to what the Senator has just said would be accepted. I assume the Senator will accept the amendment and we can adopt it.

Mr. HARKIN. I think we may have an agreement.

If I could ask the Senator from Mississippi, is it the Senator's intention to leave the existing standards in effect during the period of time that the committee would make recommendations?

My problem is "promulgated." I had two issues with the Senator's language. One, my problem with "adulterated", has been taken care of; the other, what does "promulgated," mean remains. If USDA promulgates new standards and

in the meantime can't enforce the existing standards, we are going to have a 2- or 3-year period of time where we have no enforceable pathogen reduction standards.

I ask the Senator, Is it your intention that during this period of time we would leave the existing standards in effect?

Mr. COCHRAN. Mr. President, if my amendment is accepted by the Senator, my amendment would amend your amendment only in one respect; that is, on page 2 of the amendment we would strike the words "established by the Secretary" and insert the language that I quoted: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

That is the only respect in which my amendment would modify or change the amendment of the Senator from Iowa. In all other respects, the Senator's amendment remains as he offered it.

Mr. HARKIN. Again, I understand that. But I am concerned about the words "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods." I don't mind that. They were involved with the standards established in 1996.

If it is the Senator's intention that the Department of Agriculture should go ahead, go back and take a look at whether or not they should revise those rules and those standards, I don't have any problem with that. That is what rulemaking is all about.

I am worried that we will have a gap of time where we will have no enforceable standards. That is why I want to make sure that at least during the period of time when they may be revising those standards the existing standards remain enforceable.

My concern, again, is if someone were to raise a question about the extent at which the existing standard was set with the advice of the committee, I want to make sure that would not bar enforcement. If we had a colloquy to clear that up, that standards would stay in place pending any changes in rulemaking, that would be fine.

I ask if that is the Senator's intention.

Mr. COCHRAN. Mr. President, if the Senator will yield again, I think my amendment speaks for itself. If it is unclear, then the legislative history and trying to determine the intent of Congress in the use of the words is relevant. If the language is clear on its face and the meaning is clear on its face, then legislative history and intent and our conversation is never considered by a court.

My view is that this is about as clear as we can say anything. That is, that any regulations promulgated under the authority of this act to which the Senator's amendment applies must be done

with the advice of the National Advisory Committee on Microbiological Criteria for Foods. That is all my amendment seeks to do. That is all that is intended by my amendment. There is no intent to speak on any other subject, to affect the decisions of the Department of Agriculture in promulgating standards, promulgating regulations. My amendment is limited strictly to seeking the advice in the process of promulgating standards of the National Advisory Committee on Microbiological Criteria for Foods. I don't know how I can say it, how it can be said any clearer than the language of the amendment says it. So the Senator can ask me whether I intend anything else and I can assure him I don't intend anything else, other than the clear and precise meaning of the words that are used in the amendment.

Mr. HARKIN. As the Senator and I were talking earlier, lawyers can argue about words and what they mean. Still, the words that are used in the Senator's amendment seem to indicate to me we have to go through rulemaking. Again, I am concerned, if that is how it is interpreted, then we are going to have a period of time that we may not have any enforceable standards. That is what I want to clarify.

That is why I wanted to engage in the colloquy. I do not believe it is clear, on its face, exactly what it means.

If it means that the standards we have now were promulgated with sufficient advice that we would not need new rulemaking, then that is okay. That is why we need some legislative history on this. That is why I was trying to engage in a colloquy.

I ask the Senator from Mississippi: Does his language mean USDA will have to go through rulemaking again? Does this leave a gap in the standards? That is all I am trying to get to. Maybe if we can talk about it a little more, we will get to this thing. I don't know. Sometimes it is hard.

Mr. COCHRAN. If the Senator will yield, I will be happy to assure him that my intent in offering the amendment is to involve the National Advisory Committee on Microbiological Criteria for Foods in the process by which the Secretary promulgates regulations or standards with respect to this act to which his amendment relates.

Mr. HARKIN. I have no problem with that. If that is the intent, to say—I will repeat to make sure I do not misunderstand—that the Senator's intent by using the word "promulgate" is to say that any future rulemaking—I want to make sure the Senator hears my words, to make sure I am OK on this—that any future rulemaking done by the Secretary of Agriculture has to be done with the advice of the National Advisory Committee on Microbiological Criteria for Foods, and that during any

rulemaking when they are seeking that advice, the present standards will stay in place and be enforceable, that is fine.

Mr. COCHRAN. Mr. President, if the Senator will yield, my amendment does not address the present standards and the effect of the decision of the court in Texas. The amendment of the Senator deals with that. I am only trying to address one small aspect of this, and that is the involvement of this national advisory committee so the Secretary would have the benefit of scientific advice and evidence and information.

Mr. HARKIN. As I said, I—

Mr. COCHRAN. I don't think I can satisfy the Senator's curiosity about the legal effect of his amendment as amended by my amendment.

Mr. HARKIN. All I want to be satisfied about is that there will be enforceable standards in effect.

From what I hear, I like it. I want the committee to be involved in advising the Secretary. If the Senator tells me that the present rules that have been promulgated are still enforceable during the pendency of that consultation, then I have no problem. But the language says USDA can only enforce a standard if it is "promulgated with advice". I am wondering what this means for the standards we have right now. I want to clear this up.

Can the rules we have now be enforced? Or can only rules that are promulgated in the future be enforced with the advice of the committee? That is where we are hung up over these words. Words do have meaning.

I will say again, if the interpretation is that the standards that are now in effect remain enforceable, and that any future rules adopted by the Secretary have to be done with the advice and consultation of the committee, I have no problem with that. Then we don't have a gap. And I hope that is the meaning.

Mr. COCHRAN. Mr. President, if the Senator will yield for an observation, I accommodated the Senator's interest—I tried to—by modifying my amendment in a way that he said would make it acceptable.

Mr. HARKIN. Yes.

Mr. COCHRAN. I struck the language that he suggested bothered him. He read that language to be "that is shown to be adulterated."

He was worried about connecting proof of contaminated food with the ability of the Department of Agriculture to shut down a plant. And he thought with the addition of those words I was adding something new, a new hurdle that had to be crossed by the Department of Agriculture in implementing the standards. So I modified the amendment to remove the troublesome words, to assure him the crux of the amendment was to get the advice and the input of the experts, the

scientific experts. And I modified it. And that is not enough. Now the Senator wants me to interpret the legal status of these regulations as they are affected by this district court decision in Texas.

This morning I tried to put that all in context. I know I am taking much too much time. I discussed the reasons for my motion to table the Harkin amendment. I have just about gotten worn out with explaining why I wanted to table the Harkin amendment, why I thought it was an amendment that ought not be put on this Agriculture appropriations bill. I have said it over and over again. The Senate voted on that, and the motion to table was not agreed to. The vote was tied, 49–49.

I could have let the amendment then be voted on by the Senate without any further amendment but, frankly, I thought it would be helpful to the Senate to clarify the rule problem I had with the amendment, and that was why we added the language as an amendment. I proposed at that time that amendment, the Cochran amendment to the Harkin amendment, be adopted by a voice vote and then the Harkin amendment be adopted by a voice vote.

Think about that. We had just had a tie vote on the whole issue. Yet we offered to let the amendment of the Senator that almost was tabled, lacking one vote to be tabled, be agreed to and go on to considering other issues. That was not good enough either.

We took up other business because the Senator was not prepared to proceed to consider the bill further. He wanted to do something else. We finally, now after having taken up several other amendments, get back to the Harkin amendment.

He complained and pointed out what was troubling him. We tried to modify it. I have done everything I can think up to satisfy the Senator and to give him the right to have his arguments on the floor of the Senate, to have this issue fully considered, and to have the Senate act on it.

I have gone about as far as one can go. I am hopeful the Senator will agree that the Cochran amendment can be adopted on a voice vote—if he wants to have a record vote, be my guest—and adopt the Harkin amendment on a voice vote, as amended by the Cochran amendment.

Otherwise, maybe I will try to renew the motion to table. Maybe Senators have heard enough now so they know what the facts are about this amendment and that it is an attempt to reverse a decision of a district court in Texas that can be appealed to the court of appeals if the Department of Agriculture wants to appeal it and if the Department of Justice wants to prosecute the appeal for them. That is up to the Department and the lawyers at the Department of Justice. I am being asked to interpret and sort through

this and give a definitive answer about the effects when lawyers argued their case in Texas probably for a long and full time before a court there. They made a decision.

What I am saying is, I would like to satisfy the Senator, but I do not think there is any way to do it. We should just move on, and let's vote and see how the votes turn out.

Mr. HARKIN. Mr. President, I reclaim the floor. I was hoping there might be a reasonable outcome. As I said, the RECORD will show earlier I said there were two problems with the amendment. One was with adulteration, which the Senator took care of. The other was the word "promulgated."

If the Senator will further modify his amendment to say that future rules must be promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods, that would settle the issue once and for all.

That means any future rulemaking done by USDA would have to be done with the advice of this committee, but that the existing rules meanwhile will stay in effect and be enforceable. If the Senator will do that, we are done.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. HARKIN. I yield.

AMENDMENT NO. 3955, AS MODIFIED, WITHDRAWN
Mr. COCHRAN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

VOTE ON AMENDMENT NO. 3938

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938. The yeas and nays have been ordered.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays on the amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—48

Abraham	Baucus	Biden
Akaka	Bayh	Bingaman

Boxer	Fitzgerald	Lieberman
Breaux	Graham	Lugar
Bryan	Grassley	Mikulski
Burns	Harkin	Moynihan
Byrd	Hollings	Reed
Cleland	Inouye	Reid
Conrad	Johnson	Robb
Daschle	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Schumer
Durbin	Landrieu	Specter
Edwards	Lautenberg	Torricelli
Feingold	Leahy	Wellstone
Feinstein	Levin	Wyden

NAYS—49

Allard	Grams	Nickles
Ashcroft	Gregg	Roberts
Bennett	Hagel	Roth
Bond	Hatch	Santorum
Brownback	Helms	Sessions
Campbell	Hutchinson	Shelby
Chafee, L.	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Jeffords	Snowe
Craig	Kerrey	Stevens
Crapo	Kyl	Thomas
DeWine	Lincoln	Thompson
Domenici	Lott	Thurmond
Enzi	Mack	Voinovich
Frist	McCain	Warner
Gorton	McConnell	
Gramm	Murkowski	

NOT VOTING—2

Bunning Murray

The amendment (No. 3938) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3919

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3919.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the use of certain funds transferred to the Economic Research Service to conduct a study of reasons for the decline in participation in the food stamp program and any problems that households with eligible children have experienced in obtaining food stamps)

On page 48, strike lines 12 through 16 and insert the following:

“(7 U.S.C. 612c): *Provided*, That, of the funds made available under this heading, \$1,500,000 shall be transferred to and merged with the appropriation for “Food and Nutrition Service, Food Program Administration” for studies and evaluations: *Provided further*, That not more than \$500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems

that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: *Provided further*, That of the funds made available under this heading, up to \$6,000,000 shall be for”.

Mr. WELLSTONE. Mr. President, I want to say to Senators at the beginning of my remarks, and I say to my colleague from Mississippi, I am going to try to be brief; I don't intend to speak for a long period of time. I want to summarize this amendment for Members of the Senate, and I want to talk about why I think this is one of the most important amendments I have ever brought up and why I would like to have a vote on it or a commitment that this stays in conference committee.

This amendment would provide a little additional funding, \$500,000, to the Food and Nutrition Service. This is all from within ERS. These are some good people. I am calling for the Food and Nutrition Service to be out in the field and to do some important policy evaluation for us about why it is that in the last half decade or so we have seen about a 30-percent decline in food stamp participation. There is not a 30-percent decline in poverty.

As a matter of fact, I am sad to say on the floor of the Senate that there has actually been an increase in the poverty of the poorest children in homes which have poverty-level income. They can evaluate why it is that one out of every ten households is “food insecure,” some 36 million, 37 million, and 40 percent of them children. And with a major safety net program for children, we can make sure that children are not malnourished and don't go hungry. We have seen a dramatic decline in participation.

What is going on? We are the decisionmakers. We are the policymakers. Let's have an honest evaluation because the background to this program goes something like this: In the mid and late sixties—I remember I was a student at the University of North Carolina when these studies first came out. There were a series of studies and exposes. There was a CBS documentary—Hunger U.S.A., I think—in 1968. We saw children with distended bellies. We read about and heard about children who were suffering with scurvy and rickets. We could not believe that in America we had widespread malnutrition and hunger. We don't talk about this enough on the floor of the Senate.

Senator COCHRAN from Mississippi—I am not trying to ingratiate myself to him—actually is one of the Members in the Senate who has been most focused on food and nutrition programs. It was Richard Nixon, a Republican President,

who said we have to make some changes on this issue, and whether or not we are going to have some kind of safety net. It won't be Heaven on Earth. It won't be perfect. But we will at least make sure that we try to get some help to these families. We are going to make sure this is a Federal program. Do you want to know something, colleagues? This is public policy that has worked because we dramatically reduced, up until recently, the extent of malnutrition and hunger in the country.

What is happening now with this program? The Food and Nutrition Service would go out in the field. They would study the barriers faced by families with limited access to the Food Stamp Program. What are the reasons for the dramatic decline in participation in the Food Stamp Program? On-site review out in the field completed within 180 days a report and sent it to us.

The food stamp rolls have plummeted over the last several years. Since April of 1996, nearly 8.6 million people have dropped off the food stamp rolls and more than 1 million last year alone.

If this was because of a reduction in poverty, I wouldn't worry about it. But that is not what it is.

Of the 36 million people living in food-insecure households—I hate that language. They live in homes where they are either going hungry or they are malnourished. Of 14.5 million Americans, 40 percent are children.

A study by Second Harvest, the Nation's largest domestic hunger relief organization, found that more than one out of every three persons served by food banks are children.

By the way, in almost 40 percent of the households that rely on emergency food assistance, there was at least one adult who was employed.

You have a lot of people in our country who are working poor people. They are eligible for this assistance. It makes a real difference to them and their children. But we have seen this dramatic decline in participation. I think we need to know why.

A report by the U.S. Conference of Mayors shows similar results. It shows there has been a dramatic increase—can you believe it—in the demand for emergency food assistance in major cities across the United States in the last 15 years.

Can I make that clear? We have a booming economy. We are talking about all of this affluence. There are people who spend \$10,000 or \$15,000 on one vacation, and the Conference of Mayors says we are seeing a dramatic demand in the need for emergency food assistance.

Catholic Charities, the Nation's largest private human service, reported providing emergency food services to more than 5.6 million, more than 1 million of whom were children.

When we are talking about food pantries, when we are talking about

Catholic Charities, when we are talking about Second Harvest, when we are talking about all of these relief organizations saying there has been this increase in demand and saying that many of the citizens they help are children, something is wrong. Something is wrong with our priorities. No citizen in America should be hungry today. No child should be hungry.

I don't have the statistics. But I am guessing. It is just intuition. It is what I have seen with my own eyes. There are also significant numbers of elderly people who are malnourished.

The Food Research and Action Center, which I believe has done the very best work in this area, reports that more than 1.2 million people left the food stamp rolls between October 1998 and October 1999. Again, 8.6 million people have left the Food Stamp Program since April of 1996.

Senators, here is the statistic that is jarring. According to the USDA, more than one-third of those who are eligible for the Food Stamp Program are not receiving benefits. We had a dramatic decline of about a 30-percent drop over the last 4 years, and USDA itself comes out and says that one-third of those who are eligible are not receiving any benefits at all.

A report released by the National Campaign for Jobs and Income Supports, another really good organization and good coalition, found that the number of poor people receiving food stamps has declined by 37 percent—more than 10 million people since 1994—although the number of people living in poverty has not declined anywhere close to the same rate.

In 1995, for every 100 poor people in the country, 71 were using food stamps. In 1998, for every 100 poor people, only 54 were using food stamps.

A General Accounting Office report recently released found that "food stamp participation has dropped faster than related economic indicators would predict." An Urban Institute report found that "about two-thirds of the families who left the Food Stamp Program were still eligible for food stamps."

A July 1999 report prepared for the U.S. Department of Agriculture by Mathematica Policy Research, Incorporated, identified lack of client information as a barrier to participation.

In other words, people are not being told that they are eligible. They are not being told that they can help their children by participating in this food nutrition program.

Food stamps can mean the difference between whether or not the child has an adequate diet. Food stamps can make a difference between whether or not a child goes hungry. Food stamps can make a difference as to whether or not little children ages 1, 2 and 3 get adequate nutrition for the development of their brain. Food stamps can make a

difference in terms of whether or not a child goes to school with an empty stomach and not able to learn. Food stamps can make a difference as to whether or not a child can do well in school and, therefore, well in life.

I am speaking with some indignation. I know that we don't have a lot of debate on these issues. But this amendment is relevant to this bill. Food stamps can determine whether or not a child is able to concentrate and able to bond with other children, and whether a child can do well on these standardized tests that we are giving.

We are given all these standardized tests the kids have to pass—if they fail, they are held back as young as age 8—but we have not made sure that children who could benefit from food nutrition programs so they do not go hungry, so they are not malnourished, are able to benefit.

I just can't believe that during a thriving stock market, with record economic performance, with record affluence, with record wealth, with record surpluses, we have seen over the last half a decade a 33-percent or more decline in food stamp participation, and we have today in the United States of America 37 million Americans who are "food insecure," 40 percent of them children.

I told my friend, Senator COCHRAN, I would be relatively brief. I could go on and on. About a year ago, I brought this amendment to the floor. The Senator from Mississippi, who cares about these issues, accepted the amendment. It was knocked out in conference committee. It makes me furious. What in the world is the matter with the Congress that we are not even willing to let the Food and Nutrition Service make a policy evaluation? Why it is, with the most important safety net program for children in America to make sure they are not malnourished and make sure they do not go hungry, we are not even willing to support that?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I hope there will be a strong vote for this amendment. I hope and I pray that we can keep this in conference because we should do this evaluation; we should get a report; we should know what is going on. This is important. This is all about whether our citizens, people in the country, are malnourished or not, whether they go hungry or not, whether children have a chance or not, whether we provide the help that elderly people need. We are not doing a good job. Something is wrong.

I think if we get the study done—I don't know why we can't—then we will no longer be in a position of not knowing or not wanting to know and we will take some action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate very much the remarks of the Senator from Minnesota and bringing this issue to the attention of the Senate, frankly. More and more in the last few years, unemployment rates have been coming down. The economy is strong. Everybody knows that.

And I kept asking, why aren't the participation rates in food stamps and other nutrition programs coming down? For a little while, they were going up, too. We had the number of people wanting work, finding work, going up. Incomes were going up. In my State of Mississippi, we saw income levels reaching new highs, but the food stamp participation was still going up.

Pretty soon, though, that began to change and the food stamp participation rates began coming down. I thought this was an indication that people did not need as much nutrition assistance from these Federal programs as they did in the past. We hadn't changed in the last few years any of the eligibility or participation in the program. We did so back in the welfare reform days, and we all remember that process. There was a big push to do away with the Food Stamp Program. Some in the Senate pushed very hard to turn the program over to the States. Others resisted it. As it came out, it was preserved as a Federal program. It would be administered by the States, as in the past. By and large, it continued to exist without too many changes.

The Senator is suggesting that because there continue to be dropoffs, reductions in the participation, something is wrong and we need to find out what it is. If there is something wrong, we need to be aware of it. I agree with the Senator. If the program is being administered in a way that denies those who are eligible under the law for benefits, we need to know about it. We need to try to make sure that those who need assistance and who are eligible for assistance get the assistance to which they are entitled and that there are funds here that will make those program benefits available to every eligible person in our country. That is our goal. That is my goal. That is my attitude. That is my view about this subject.

I support the Senator's effort to have a study, and I will work in conference to see that funds are made available to do that study. I know the Food and Nutrition Service has been working on that issue. He is suggesting, as I understand the amendment, the Economic Research Service use some of the funds available to it to conduct a study, as well.

I am prepared to take the matter to conference and to do as well as we can in conference with the House on this

issue and the language the Senator has. I am told by my staff there are some suggested improvements—and I hope the Senator will agree they are improvements in the language of the amendment—that will strengthen the amendment in conference, and, if so, that the Senator will understand and be supportive of our efforts to see that the study achieves the goals the Senator intends.

One aside: When the Senator made the point about amendments adopted here that are not accepted in conference, and it makes him furious, I was reminded of a story.

Mr. WELLSTONE. Before my colleague goes further, I was referring to this specific topic.

Mr. COCHRAN. I see.

I am reminded of a story my colleague from Mississippi, with whom I served in the body for 10 years before he retired—Senator John Stennis—told about a conference; I have forgotten which committee, but it was appropriations. He was chairman of the full Committee on Appropriations at the time he retired from the Senate.

An amendment had been adopted in the Senate, and it was dropped in conference. The Senator who was managing the conference was explaining the provisions of the bill and what had been agreed to by the House and what had been rejected by the House. The author of an amendment got up and asked: Why wasn't my amendment accepted by the House? The manager said: We discussed it fully, and there was a lot of discussion, but it was not accepted by the House. He said: I want to know why; what did they say? The manager said: They didn't say.

It is an indication that sometimes the House rejects an amendment. They don't feel obliged to tell you why they rejected it. They just say: We are not going to accept it. I have seen that happen. I have seen the chairman of the full committee on the Senate Appropriations Committee have to personally go to a conference and almost beg the conferees on the part of the House to accommodate an interest in his State that he thought deserved the support of the conference.

It was almost a humiliating experience. I will never forget it. But it was an illustration of the fact that the other body takes their prerogatives very seriously, particularly on appropriations. I am reminded every year how difficult it is to get our way in conference in negotiations with the House. It is a tough challenge. Ultimately it gets the work out, but in the process there are Senate provisions that are dropped in conference, that are not agreed to by the House, in spite of the very best efforts that are made by the Senate to have their way in those negotiations.

All I can say in respect to the Senator's insistence that this amendment

be kept in conference is, we will do our best.

Mr. KENNEDY. Mr. President, I strongly support Senator WELLSTONE's amendment. We need to do all we can to understand why food stamp participation has declined so sharply. We know that poverty among working families is growing, not declining, even in this time of prosperity, and we need to find better answers to this problem.

The Conference Board is a global business membership organization that has enabled senior executives to exchange ideas on business policy and practices for nearly a century. The most recent Conference Board study is entitled "Does a Rising Tide Lift All Boats? America's Full-Time Working Poor Reap Limited Gains in the New Economy." The conclusions of this pro-business group are surprising. The Conference Board found that the number of full-time workers classified as poor increased between 1997 and 1998, the last year for which data is available. And despite the strongest economic growth in three decades, the poverty rate among full-time workers is higher now than it was during the last recession.

The Congressional General Accounting Office also studied this issue of declining food stamp participation, and it found that food stamp participation is declining much more rapidly than poverty.

The obvious result is that millions more Americans, including children and working families, are going without adequate nutrition today than before the welfare reform law was enacted.

In Massachusetts, Project Bread operates a statewide hunger hotline, where operators respond to 2,300 requests for referrals each month. Last month, a mother from Worcester called. She had just been released from the hospital after the birth of her fifth baby. Doctors had ordered her to stop working 3 months ago, due to complications with her pregnancy. Her husband drives a bus, and their single salary was barely enough for the family to get by. When she called the hotline, there was no money and no food in the house, and hotline workers characterized her situation as desperate.

In many other communities, the nation's mayors have been distressed by the sudden sharp increases in requests for emergency food from working families. Too many of those in need are being turned away, because the resources are so inadequate. We clearly need a better understanding of why this alarming level of hunger persists in our record-breaking economy.

We need this additional information as soon as possible. We must accurately determine why food stamp participation has declined. I look forward to working with my colleagues to deal more effectively with this tragic problem of hunger.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3919, AS MODIFIED

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent I may send a technical correction to the desk. A sentence was written on the wrong line. I ask unanimous consent I modify the amendment. This is technical.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 9, line 7, strike "\$1,000,000" and insert "\$1,500,000".

On line 10 after "tions" insert: "Provided further, That not more than \$500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate".

Mr. WELLSTONE. Mr. President, I say to my colleague from Mississippi that I accept what he said in very good faith about the conference committee, and if he can, in his wisdom and experience, strengthen this amendment, I am all for that. When he tells me he will do everything he can to advocate for this amendment, I accept his word. There is no question about it.

The second point I wish to make is just to clarify, or make the RECORD clear, that my indignation is not so much that "my" amendment was taken out in conference committee. I don't really care about it being my amendment. What bothers me, what troubles me, I say to Senator COCHRAN, is that—and I cited about seven or eight different studies, good studies done by good people—we do have before us a very important challenge.

We have seen this dramatic decline. We know how important this program can be. We are getting reports that there are a lot of families eligible who are not participating. We are getting the reports from all the religious communities that the use of the food shelves are going up. We are getting reports from teachers in schools telling us kids are coming to school malnourished.

So I am saying I find it a little hard to understand how in conference last year certain folks, whoever they were, just took this out. They were not interested in knowing. I think we ought to care about this. I insist we do. I know the Senator from Mississippi does.

I think we will get a strong vote in the Senate and that will be good. The Senate will be strongly on record and I

hope we can carry this in conference. I thank the Senator for his support. I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3919, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—90

Abraham	Edwards	Lieberman
Akaka	Enzi	Lincoln
Allard	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Fitzgerald	Mack
Bayh	Frist	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee, L.	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Cochran	Inouye	Schumer
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (OR)
Craig	Kennedy	Snowe
Crapo	Kerrey	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NAYS—6

Helms	Smith (NH)	Thompson
Sessions	Thomas	Voinovich

NOT VOTING—3

Bunning	Kerry	Murray
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The amendment (No. 3919), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: Is the status of the RECORD appropriate for the calling of another amendment?

The PRESIDING OFFICER. It is appropriate.

AMENDMENT NO. 3958

Mr. SPECTER. Mr. President, I call up amendment No. 3958 on behalf of Senator KOHL, Senator SANTORUM, Senator MOYNIHAN, Senator KERRY of Massachusetts, Senator BIDEN, Senator HUTCHISON of Texas, Senator LAUTEN-

BERG, Senator SCHUMER, Senator WARNER, and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows.

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. KOHL, Mr. MOYNIHAN, Mr. SANTORUM, Mr. KERRY, Mr. BIDEN, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. WARNER, proposes an amendment numbered 3958.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To correct an unintended termination of the authority of Amtrak to lease motor vehicles from the General Services Administration that results from previously enacted legislation)

At the end of chapter 6 of title II of division B, add the following:

SEC. 2607. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

Mr. SPECTER. Mr. President, this amendment would restore Amtrak's eligibility to continue leasing vehicles from the General Services Administration's Interagency Fleet Management System.

The Amtrak Reform and Accountability Act of 1997 inadvertently removed this eligibility. By way of further explanation, in the Amtrak Reform and Accountability Act of 1997, Amtrak was removed from the list of "mixed ownership and government corporations."

An inadvertent and unintended consequence of this change was brought to Amtrak's attention earlier this spring. The Federal Railroad Administration questioned Amtrak's eligibility to continue leasing automobiles from the General Services Administration's Interagency Fleet Management System. The Federal Railroad Administration and General Services Administration agreed that Amtrak was no longer eligible.

As a result of this inadvertent change, there is a fleet of some 1,650 vehicles for which Amtrak currently pays \$10 million to lease through the General Services Administration. If Amtrak is forced to lease its vehicles privately, it will cost a total of \$25 million annually.

The Amtrak Reform and Accountability Act was intended to allow Amtrak to transition to operating self-sufficiency.

This legislation was not intended to put new financial burdens on the corporation, which is in a transition to operating self-sufficiency. This problem

was called to my attention yesterday by Governor Tommy Thompson, who is Chairman of the Amtrak Board of Directors. The operation for Amtrak has been in high gear to operate like a business in its goal to achieve operational self-sufficiency by fiscal year 2003. The strategy that Governor Thompson and others have articulated, as provided to me, involves, one, developing high-speed rail corridors; two, building a market-based rail network; three, forging partnerships with State and local authorities and large commercial clients; and four, offering a new service guarantee, which is unparalleled in the transportation industry.

These strategies are already producing very considerable results. Amtrak's annual revenues reached a record of \$1.84 billion in fiscal year 1999. Just over 21 million passengers traveled on Amtrak last year, for a third consecutive year of ridership growth. Overall ridership in the last 5 months is up 8 percent over the same period of last year. Ridership on the high-speed regional service corridor is up nearly 40 percent over the trains that were replaced.

Further information provided to me is that the development of more commercial partnerships has boosted mail and express revenue by 35 percent in this calendar year. Amtrak's net worth growth strategy, introduced in February, will expand passenger rail service to 21 States, based on a comprehensive economic analysis of the national rail system and potential market opportunities. The national growth strategy is expected to add as much as \$229 million of revenue by the year 2003. New partnerships have been forged with Motorola, Dobbs, and Hertz Corporation, among others. Amtrak's new web site for ticketing has been named one of the 100 most popular bookmark sites on the Internet. For fiscal year 2000, sales are up 113 percent over the same period last year.

Since Amtrak's announcement of its service guarantee, it has recorded a satisfactory rate of 99.97 percent. These results point to the successful turn-about Amtrak is making in its efforts to achieve operational self-sufficiency. A goal has been set for Amtrak, and Amtrak is taking the proper steps to achieve that self-sufficiency. My suggestion to the Senate is that we not undermine the corporation by forcing it to swallow some \$15 million in unintended costs, while losing its GSA eligibility for the remainder of the glide-path.

The General Services Administration, Federal Railroad Administration, and Amtrak agreed that the legislation referred to contained an unintended consequence and should be rectified. Amtrak must return all 1,650 vehicles by October 1 of this year, under the existing law. This provision puts an undue and unwarranted burden upon

the General Services Administration, which does not want many of these specialized vehicles back in their inventory because they have nobody else who would lease them, so it would be a loss to GSA, as well.

This amendment would restore Amtrak's eligibility to continue leasing vehicles from the General Services Administration's Interagency Management Fleet. I am advised by staff, who have consulted with the staff of the General Services Administration, that both GSA and the Federal Railroad Administration, as well as Amtrak, support this amendment.

Mr. President, it would be preferable, candidly, not to put this amendment on the Agriculture appropriations bill. I have consulted with the Parliamentarian, and there is a defense of germaneness, which is an answer to a challenge on grounds that this is legislation on an appropriations bill. The provisions of H.R. 4461 that we are currently considering, on page 5, line 9, provides the following under "Payments, Including Transfers of Funds":

For payment of space rental and related costs pursuant to Public law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of the General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, \$150,343,000, to remain available until expended.

As I say, I am advised by the Parliamentarian that this language is sufficient to establish germaneness, and germaneness is a defense for challenging this amendment as legislation on an appropriations bill.

There is an obvious concern raised here about whether Amtrak should be able to have the benefit of this leasing arrangement because Amtrak is supposed to be self-sufficient, some might say. The reality is that Amtrak is under a transition period to attain self-sufficiency. We are looking at an additional 2-year window here. I suggest that the savings of \$15 million to Amtrak really would not be at the expense of the Federal Government. These are savings which, if the leasing were not possible, and the GSA has nobody to lease it to, is actually a net gain for the Federal Government. While Amtrak would have to pay \$25 million annually instead of \$10 million to GSA, if GSA doesn't have anybody to lease these vehicles to, which is what has been represented to me, it ends up that the Federal Government loses \$10 million, which it would get from these leases. So it is a win-win situation for the Federal Government to have the \$10 million in lease payments, and it saves Amtrak some \$15 million.

What we really need to do is, obviously, put Amtrak back on its feet. In the course of just a few minutes today, I was able to find 10 cosponsors of this

legislation. If we had more time to survey the Senate, I think we would find many more Senators. I don't think this is necessary as a disclosure of interest, but I have an interest in Amtrak, besides being a Senator, in wanting Amtrak to succeed. I ride Amtrak every day. It is really an enviable position to be in, whereas some of my colleagues have to fight airplane schedules. Some of us can ride the metroliner, which leaves on the hour. I can tell you that the metroliner is good service, and the other service is excellent as well. Those trains are filled and they are money-makers. The new Acela train is about to be established, which will get from Washington to Philadelphia even faster.

Amtrak has come out with a new guarantee and it is moving ahead. There is no reason, it seems to me, to let this technicality stand, which would cost Amtrak \$15 million and probably cost GSA \$10 million if, as expected, it is unable to lease out all of these vehicles, which would be returned on October 1 of this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in objection to the amendment. Bismarck said there are two things you never want to see made, and that is laws and sausages. This really is another one of these wonderful sausages.

If a government student from a college or high school or university from around the country came here and was sitting in the galleries observing this, and someone told them we are now addressing the agricultural appropriations bill, one would then assume that it has to do with agriculture and farmers, the agricultural section of this country, and that it would probably have some very worthy aspects of it.

Then this student observes the Senator from Pennsylvania stand up and say: We are going to get the GSA to lease automobiles for Amtrak. Excuse me? That is a railroad.

For the benefit of those students who observe these things, I would like to tell you how we got here.

Amtrak first came to my committee—which happens to be, although it is routinely ignored lately, the authorizing committee particularly as we go through the appropriations process. They came to the Commerce, Science, and Transportation Committee and said: We would like to have this done—although interestingly stated by the Senator from Pennsylvania—because basically they do not want to have to pay to lease automobiles to have their operations go forward. They wanted us to put it in as part of the National Transportation Safety Board reauthorization.

After examining their proposal, and knowing that the whole object of the reform of Amtrak was to make them

independent of the Federal Government, and now they want to take advantage of a situation that only governmental organizations can take care of—that is, General Services Administration leasing—we said no.

They have some pretty highly paid lobbyists around town. They are pretty influential. They went to the government oversight committee, to Senator THOMPSON, and to his staff. They tried to float it by them because Senator THOMPSON's Committee on Governmental Affairs has oversight of the General Services Administration.

Senator THOMPSON, his staff, and his committee rejected it out of hand—again because a nongovernment organization should not have access to the facilities and capabilities that a governmental organization does. That was rejected.

The Amtrak lobbyists were flailing around town. Senator THOMPSON honored me with a phone call. He said: How do you explain the fact that the whole effort of the Amtrak Reform Accountability Act, Public Law 104-34, was intended to make Amtrak independent of the Federal Government—which, by the way, is not too important, to revisit history.

In 1971, Amtrak was formed for only 2 years, I say to my colleagues, and then to be completely independent. Of course, after being at the Government trough since 1971, we finally decided that they had just about enough when we enacted the Amtrak Reform Accountability Act.

They finally found a willing servant and messenger in the Senator from Pennsylvania, and I congratulate him. So here we are with an amendment on the Agriculture appropriations bill that has to do with Amtrak, which, as the Senator from Pennsylvania alluded to, he rides regularly. I am sure he is an avid supporter of it. But this is \$15 million. Actually, they came to us the first time and said it was a \$4 million deal. It has increased somehow magically in the last 6 weeks or so to \$15 million. I guess that dramatized the gravity of their situation.

I say to my government student who is observing this, I can tell you that the way we ended up with this particular sausage is that the Amtrak lobbyists with all of their influence could not get what they wanted through the committee of oversight. They couldn't get what we wanted through another committee of oversight; staff and those who had jurisdiction rejected this idiotic proposal out of hand. So now we have an amendment on the Agriculture appropriations bill.

The supporters of this amendment allege its purpose is to correct an unintended—in the words of the Senator from Pennsylvania, unintended and unintentional—consequence of legislation enacted in 1997, the Amtrak Reform Accountability Act. Not so. Not so. The

whole purpose of the Amtrak Reform and Accountability Act of 1997, of which I was a part, was to divorce Amtrak from the Federal Government and the largess and the perks and other good deals that can be had being a part of the Federal Government.

Have no doubt, my friends, coming from a Senator who was intimately involved in the act, there was no unintended consequence. There was no inadvertency associated with it. This is simply an attempt on the part of Amtrak to save themselves \$4 million, or \$15 million, whatever it is.

One of the main purposes of the act is to direct Amtrak to run more as a real for-profit business. There are other organizations, such as Fannie Mae, that are in exactly the same status as Amtrak. Fannie Mae doesn't get GSA leasing of their cars. Freddie Mac doesn't get GSA leasing of their cars. But we are going to do it for Amtrak.

I guarantee you, my friends, we are going to have a hearing in September, I say to my colleagues, on this great reform, and all of this success which the Senator from Pennsylvania just trumpeted, you are going to find out it is not true. As far as I know, Amtrak is going to be feeding from the public trough for as long as any Member of this body is alive.

We just had a Member of the advisory committee resign in disgust and anger over what has transpired since this act was passed in 1997.

I don't expect to win. I don't expect to win this amendment. But I am going to make the American people aware of this bizarre situation where we have a railroad formed in 1971, and the commitment at that time was that railroad would be Government supported for 2 years. Count them: One, two. Since 1971, in the intervening 29 years, the billions and billions and billions of taxpayer dollars that have been expended on Amtrak stagger the imagination. Someday, somebody will write a very interesting treatise. In fact, several have already been written.

In regard to the arguments of "unintended consequences," let me assure my colleagues we have experienced a slew of unintended consequences since the reform law was enacted—a slew of unintended consequences. Let me mention a couple.

When we all agreed to remove the former board of directors so Amtrak would have a clean slate with new leadership and fresh ideas, we never thought the board members serving at the time of enactment would then be appointed to the new reform board. But that is what happened.

When we called for the creation of an 11-member Amtrak reform council and were specific about membership criteria and eligibility, we never expected the one representative of the rail industry to be a sitting mayor not affiliated with the industry at all. But that

is what occurred, my friends—laws and sausages.

When we authorized substantial capital and operating funds for the duration of the 5-year bill, we never expected the administration to request only about half of the authorized funding. But that is what occurred, despite the nonstop rhetoric about the administration's support for Amtrak.

When we were all convinced that Amtrak would utilize the \$2.2 billion "tax refund"—one of the more interesting sausages that were fashioned here in the Senate; there was a \$2.2 billion tax refund on taxes that was never paid, one of the more interesting ones I have seen here—we were all convinced that Amtrak would utilize the \$2.2 billion "tax refund" released by enactment of the reform legislation for high return capital investments—the commitment of the \$2.2 billion for high return capital investments. We didn't expect Amtrak to use that money to pay for gym membership, movie tickets, and for some of its labor force. But that is what occurred.

I can understand Amtrak's desire to undo parts of the 1997 law it no longer likes. I am certain a number of Members would like to change certain things about the law here and there, particularly as we are getting closer to the operational self-sufficiency deadline in 2 years.

By the way, there is no outside expert who believes we will reach that operational self-sufficiency deadline, which we will carefully examine as the committee of oversight, as the committee that is responsible for the authorizing—not the Agriculture Appropriations Subcommittee. We will examine it. But I believe an agreement is an agreement. And this bill was adopted unanimously.

I think Amtrak should be relieved we are not instead requiring it to repay the Treasury for the money it saved by participating illegally in the program for nearly 3 years. Amtrak has been participating in this program, as judged by outside observers, illegally. It should have been halted.

It is true not all Members share the same perspective concerning the obligation imposed upon the American taxpayers to fund Amtrak for its 29 years of subsidization, even though Amtrak was to have been free of all Federal assistance 2 years after it was established in 1971. However, we did work together and support enactment of reform legislation with the intent to give Amtrak the tools it said it needed to become operationally self-sufficient.

I have not acted to alter the agreement reached as part of the reform legislation, and I find it a breach of that agreement that Amtrak and others are routinely seeking changes through the appropriations process to allow it to do things not approved by the authorizing committee of jurisdiction. Be assured,

I say to my colleagues now, we have a little dust up here. But when Amtrak tries to obtain a \$10 billion funding scheme, there is going to be a big fight about that one, my friends. I know it is coming. It hasn't fulfilled the first and quite substantial statutory obligation to operate free of taxpayer expense.

Amtrak asked for legislation that allowed it to operate more as a private business, and we enacted such legislation. As other former Government-controlled agencies have moved toward privatization, they didn't enjoy the freedom to pick and choose what governmental support programs they could use to their advantage. When Congress set up other corporations such as Freddie Mac, COMSAT, and Fannie Mae, they did not and do not participate in GSA leasing. The fact is, nongovernmental entities do not participate in the GSA vehicle leasing program. Amtrak can't have it both ways, although they probably will.

Finally, I find it very strange that since this issue was brought to my attention in March, Amtrak has said the GSA leasing eligibility saves \$4 million annually—probably a lot of money to a company that lost more than \$900 million last year; \$900 million was all they lost last year. Yet now that an amendment is being offered on the floor, Amtrak has raised the bar and this week Amtrak is telling me the provision would save some \$15 million annually. Which of Amtrak's numbers should we believe? At a minimum, the authorizing committee should have an opportunity to explore this new figure before we are asked to adopt any changes in existing law.

As I said, we will be having a hearing on Amtrak, as is our responsibility as the authorizing committee, in early September to carefully explore this and many other critical issues. Until this issue has been looked at by the committee of jurisdiction, I urge my colleagues to defeat the amendment.

We find ourselves, a week before leaving, with an amendment that was first sought to be addressed by the committee of authorization, the Committee on Commerce, Science, and Transportation. We refused to do so because it was clearly not in keeping with the law. Then they went to another committee of authorization. They wouldn't do it. So now what does the Senator from Pennsylvania do? Something to do with Amtrak, a train, is on the Agriculture appropriations bill.

Another example of laws and sausages. To all those students of government who may be watching and observing this bizarre process, my friends, it is an argument for reform of the way we do business in this body. The authorizing committees are becoming more and more irrelevant as each legislative day goes by. I am close to the point where we either do away with the

Appropriations Committee or we do away with the authorizing committees. To come on this floor and have a clear legislative change, even though it may not meet the exact parameters of germaneness in rule XVI, and make a clear elective change on a bill that has nothing to do, first of all as an appropriations bill, and second of all has no relation to Amtrak, I find offensive.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to support the Specter amendment. I hope it will prevail for reasons that I don't think have been discussed thus far.

One thing that we are not talking about is whether or not, since legislation was passed some time ago that might be more restrictive to Amtrak, the conditions have changed. One need not be a transportation engineer to know you can't get off the ground at airports. I waited the other day 5 hours for a flight to go to New Jersey from here. We were on the ground 5 hours.

There are almost no airports of any size that aren't constantly late. There aren't places that one can travel by car or by bus that you can get where you want to be in a reliable period of time. We saw the front page news on the Washington Post 2 days ago about the disappearance of mountaintops, surrounded by smog, because the country is being overwhelmed by transportation and environmental problems. Conditions have changed.

When we want to make comparisons between Amtrak and private businesses, we have to recognize there is no place in this world, no place, where there isn't a subsidy provided for rail service so people can travel from place to place—such as the subsidy we offer when we build airports and we provide and charge the passengers a tax to ride in an airplane. We have a passenger facility charge. Or that if one wants to buy gas at a gas station, we have a Federal tax; we have State taxes. Amtrak doesn't have that ability. Amtrak is the poor stepchild. It offers a service to lots and lots of people who can't find any alternative that is satisfactory or available to them.

I don't like spending money. I happen to come from a strong business background. I know the difference between business and government. Amtrak is not a business like other businesses. It requires help. What we said in the commitment that was made for Amtrak was that we would not require that they meet operating needs out of the fare box. That is what we said would happen. Capital costs—and those are the things we are talking about—are part of the operating budget. We are forced at times to use operating funds for capital costs. The thing is all backwards. We are similar to a Third World country in a process that has us asking

passenger railroads to do things that no other country does.

Germany has advanced their transportation systems, investing \$10 billion a year in developing rapid rail transportation. In France, you can travel from Brussels to Paris in an hour and 25 minutes; the distance is 200 miles. That is what we ought to be talking about.

Take the pressure out of the skies. There is no more room for airplanes in the skies. There is no latitude. We can build more airplanes but you still won't be able to fly the planes. We have broken the rules. We expanded the number of slots at Reagan National because of requests from some of the people here, Senators who wanted to have particular access. Break the rules. Give us access. What do we care about the rules, about the number of flights that can come in and go, from whatever distances. Break the rules.

We are not talking about breaking the rules. We are talking about extending an opportunity for many in the American public to be able to travel and get to their destinations on time with a degree of comfort that permits them to arrive at their destination and be able to conduct their business or see their families or get to school or whatever else they have to do.

It is a fairly simple equation. I hope we will support the Specter amendment.

I think what it does do is it says to people who need passageway, who need an opportunity to get from place to place that is not otherwise ordinarily available, and that is to permit these leases to be supported by GSA. To save Amtrak? No, not to save Amtrak; to save the passengers, to save the rail riders \$15 million a year. That is what we are talking about saving.

Amtrak is not the issue. The issue is whether or not we can transport the people who inhabit this country in a way that is reasonable without continuing to foul the air or delay them interminably.

I hope we can conclude this vote and get the issue resolved. I do not like disagreeing with the chairman of the Commerce Committee. They have jurisdiction. But in this case I happen to think the perspective is wrong; that there is not recognition of what our country's needs are. They have changed so radically in the past few years. Look at airline passenger traffic. See how much it has grown. See how much more the highways are used now than only a few short years ago. The situation has changed. Are we going to continue to take an attitude that it doesn't matter what we are doing to the environment; it doesn't matter how late the airplanes are; it doesn't matter how costly rides are; regardless of that, we are not going to permit it to happen?

I hope we will extend this extra opportunity for Amtrak and for its passengers to continue to operate and get us to the point, when we get high-speed rail in there, we can meet our operating costs and we can provide the kinds of service one would expect in a country such as ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in strong support of the amendment which I am cosponsoring with my colleague from Pennsylvania. As you know, this amendment will allow Amtrak to continue leasing vehicles from GSA through 2003. We are all eager to see Amtrak continue progressing toward self-sufficiency. Without this amendment, we will be jeopardizing their ability to achieve that goal.

In my own State, half a million people from Wisconsin ride Amtrak every year. It is very important not only to Wisconsin but to every State that Amtrak continue its progress toward viability. We must continue to allow Amtrak to transition to self-sufficiency by 2003.

This amendment is very crucial to that effort. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I welcome an opportunity to present these issues to students. Anyone in the balcony observing this debate, students, and as the Senator from Arizona alludes to students, perhaps a more elite audience, wanting to know the theory, the philosophy, the approach, the ethics of the proposition, I welcome addressing students on this subject as I spend a good bit of my time addressing high schools, colleges, junior high schools, and even grade schools taking the message to the students about what government ought to be doing.

It is a fairly common reference—not too humorous anymore—to analogize making sausage to the making of legislation. But the making of legislation is a very complicated matter. It has to take into account the accommodation of 260 million Americans and many contrary issues and many contrary differences.

When the argument is raised about this is a matter turned down by the authorizing committee, the Commerce Committee, and turned down by the Governmental Affairs Committee—they are not the last word. The chairman of the Commerce Committee does not have the last word. He may have it as the Commerce Committee is organized, directed, and run. And the chairman of the Governmental Affairs Committee may have the last word as to how that committee is run. But the Senate has the last word.

There are 100 of us and each Senator has rights under the rules of the Sen-

ate. When this Senator offers an amendment, this Senator is offering an amendment within his rights. Even if the full Commerce Committee backs the chairman, or even if the full Governmental Affairs Committee backs the chairman, those committees are not the last word. The last word is the Senate, the 100 Members who constitute the Senate.

In offering this amendment, this Senator is functioning within the rules. When the Senator from Arizona says that this amendment has nothing to do with agriculture and he finds the amendment offensive, I take a little offense at that. I set forth the germaneness, which entitles this amendment to be offered on this bill.

It is not an unusual occurrence in the Senate to offer legislation on an appropriations bill. That rule has been breached so often that it is hardly referenced anymore. We are trying to come back to a standard of not legislating on an appropriations bill, but the rules of the Senate govern that, and I cited the provisions of the bill we are considering from the House of Representatives which makes this germane.

That is the advice I received from the Parliamentarian. That is not my own peculiar, personal opinion. If someone wants to challenge the amendment, there are ways to do so if someone says this violates the rules. But I do not think it does, and the Parliamentarian does not think it does.

When there are references to illegal activities by Amtrak, if there are illegal activities, let's refer it to the Department of Justice. Some might say a reference to the Department of Justice doesn't do much good in the United States of America today, and I would not want to argue that point too vociferously, but let's give them a chance. Has it been referred to the Department of Justice?

I attended a hearing of the Appropriations Subcommittee on Transportation where Governor Thompson appeared last year. But we met yesterday on another matter. He called this issue to my attention.

This is not exactly my purview, to take up this issue. It doesn't come within any of my committee responsibilities. But no high-priced lobbyist came to me to talk about this issue, a high-priced lobbyist who might be fundraising for me. Nobody came to talk to me about it. In fact, not even a low-priced lobbyist came to me to talk about it. But Governor Thompson, a very distinguished American and very distinguished public servant, did. I told him I was concerned about it. Before the afternoon, I had a flood of telephone calls from Amtrak, asking me to look into it, to check it out.

This morning I called Senator KOHL who had been working on the matter. Then I started to canvas a few Sen-

ators and got 10 cosponsors very promptly. Senator JEFFORDS—I ask unanimous consent he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. There is a reference here to "idiotic." I take more than umbrage at that, and would cite rule XIX which says:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I can't represent whether I was called an idiot, or whether I was said to have offered an idiotic amendment. But either way, offering an idiotic amendment is not becoming conduct for a Senator. And I consulted with the Parliamentarian. The rule is that a Senator may challenge another Senator who violates rule XIX by standing and saying: I call the Senator to order.

I choose not to do that. I don't want to make a Federal case of it. But, also, I choose not to ignore it, and I think it is unbecoming conduct for a Senator to offer an idiotic amendment. But I don't think this amendment is idiotic. But I will let the body decide that on a vote, either on a challenge on procedural grounds or on a vote on the merits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, if there has been any offense taken by the Senator from Pennsylvania, it was not intended, and I would hope he would accept my apologies if he took offense. I think this amendment is wrong.

It is inappropriate, and it is dead wrong, and the facts, as I stated as to how this amendment got on an Agriculture appropriations bill, are accurate. It first went to the Commerce Committee where they tried to get us to do it, and we would not because we do not believe it is in keeping with the law.

Then they went to the Governmental Affairs Committee and now it has ended up being put as an amendment on the Agriculture appropriations bill. That is wrong. I did not challenge the parliamentary right of the Senator from Pennsylvania to do so. We had the same parliamentary reading that the Senator from Pennsylvania did.

I think this amendment is a violation of the agreement that was made in 1997 in the form of the Amtrak Reform and Accountability Act, P.L. 105-134.

Again, if the Senator from Pennsylvania took offense at something I said personally, then he has my apologies. That does not change the fact that this amendment is the wrong thing to do. I strongly oppose it, and I believe if we continue, as I said in the conclusion of my remarks previously, if we continue to authorize and legislate on appropriations bills, this practice will continue

the breakdown of the procedures that are intended and established by the Senate.

I stand by those words, and I again say, even though it may not be in violation of the strict parliamentary rules, it is wrong to put an amendment concerning Amtrak on Agriculture appropriations bills. I believe I have that right to believe that is an inappropriate way, and the Commerce Committee or the Governmental Affairs Committee should have reviewed this and did review it and should be allowed the jurisdiction.

Nor did I at any time tell the Senator, or in my remarks to the body, that every Senator does not have their right to a proposed amendment on whatever issue they wish. That is why we have a Parliamentarian. Never at any time—certainly not this Senator—would I say that an individual Senator should be deprived of his or her rights since I exercise those with some frequency.

I hope that clarifies the intent of my remarks which are that this amendment is not in keeping with the Amtrak Reform and Accountability Act, and I do not believe—and as a Senator I have the right to the view—that it is not appropriate to be placed on an Agriculture appropriations bill.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado.

Mr. ALLARD. Mr. President, I also rise in opposition to this amendment and join my colleague from Arizona in his opposition. We just held a number of hearings in the Housing and Transportation Subcommittee of the Banking Committee. I chair this subcommittee. We found that we even have the Federal Transit Administration subsidizing Amtrak. Clearly, in my mind, when I look at the 1997 accountability act, Congress intended to move Amtrak to self-sufficiency.

Amtrak claims to be a private corporation, and, plainly and simply, private corporations are not eligible to lease Government vehicles.

I have grown increasingly skeptical about what is going on with Amtrak. It seems they found a way of picking up Government subsidies all over the place.

Several years ago, the FTA required—I want to get back to some other issues that may either be directly or indirectly related to this amendment, but several years ago, The Federal Transit Authority required the Massachusetts Bay Transportation Authority to bid out contracts for their commuter rail services. Four companies bid. Amtrak had the highest cost bid and lowest quality.

This will cost taxpayers \$75 million above the low bid. This is a \$75 million, 3-year subsidy on top of the nearly \$600 million annual subsidy Congress grants Amtrak. Now they want the subsidy of

leasing Government vehicles. I ask my colleagues: When are we really going to require Amtrak to be self-sufficient?

For that reason, I oppose this amendment with my colleague from Arizona and urge a “no” vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief response to the argument by the Senator from Colorado, I agree with him that Amtrak needs to be self-sufficient, and that is the purpose of the legislation. The question is, How fast is that going to occur? They are looking for self-sufficiency under the existing legislation by the year 2003. What they are asking for here is an extension from October 1, 2000, to October 1, 2002. I went into some detail on the information provided by Governor Thompson, who is chairman of the Board of Amtrak, as to the progress which they are making.

When the Senator from Arizona says there is no mistake here, he may be right about that. Maybe this is not an unintended consequence, but where you have a provision which reaches the extent of leasing under these circumstances, I doubt that anybody thought about that when the legislation was drafted. Maybe it is not an unintended consequence, but I doubt very much that it is an intended consequence. It is something that happened that nobody had thought about. Perhaps if nobody had thought about it, it is genuinely an unintended consequence.

Considering the issues we face in this body, when you are talking about \$15 million, although not unsubstantial, we seldom take a protracted period of time as we wrestle with the budget of \$1.850 trillion. I have not calculated the percent, but it is a mighty tiny fraction. This is symbolic as to what we are trying to do to get Amtrak on its feet.

When the Senator from Arizona says it is wrong to put this amendment on this bill, I have to categorically disagree with that as a matter of fact because if the rules allow this amendment to go on this bill, it is not wrong to put this amendment on this bill. It may be an unwise amendment, it may be against public policy, but it is not a wrongful act to put this amendment on this bill when the advice that the Senator from Arizona got was the same as the advice this Senator got: that as a matter of parliamentary procedure, it is an appropriate matter.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3958. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—72

Abraham	Edwards	Lugar
Akaka	Feingold	McConnell
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Bennett	Grassley	Murkowski
Biden	Harkin	Nickles
Bingaman	Hatch	Reed
Boxer	Helms	Reid
Breaux	Hollings	Robb
Bryan	Hutchinson	Roberts
Burns	Hutchison	Rockefeller
Byrd	Inouye	Roth
Chafee, L.	Jeffords	Santorum
Cleland	Johnson	Sarbanes
Cochran	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kohl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone

NAYS—24

Allard	Frist	Mack
Ashcroft	Gorton	McCain
Bond	Gramm	Sessions
Brownback	Grams	Shelby
Campbell	Gregg	Smith (NH)
Craig	Hagel	Smith (OR)
Enzi	Inhofe	Thomas
Fitzgerald	Kyl	Wyden

NOT VOTING—3

Bunning	Kerry	Murray
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The amendment (No. 3958) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the amendment I will be sending to the desk is on behalf of myself and Senators CONRAD, WELLSTONE, GRAMS of Minnesota, TORRICELLI, SCHUMER, LEVIN, LEAHY, KENNEDY, REED, SARBANES, DODD, LIEBERMAN, MIKULSKI, HOLLINGS, BAUCUS, and BREAU.

The amendment would provide some emergency financial assistance for family farmers that have incurred disaster losses.

AMENDMENT NO. 3963

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

Mr. DORGAN. Mr. President, I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. CONRAD, Mr. WELLSTONE, Mr. GRAMS, Mr. TORRICELLI, Mr. SCHUMER, Mr. LEVIN, Mr. LEAHY, Mr. KENNEDY, Mr. REED, Mr. SARBANES, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. HOLLINGS, Mr. BAUCUS, and Mr. BREAUX, proposes an amendment numbered 3963.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed \$900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflatoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency

Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am reluctant to say this, but I have to sooner or later. How many items are we going to keep adding and calling them "emergencies"? We have already passed a lot of emergencies for agriculture. I believe there are emergencies in this bill. I just wonder how many more we can come to the floor with. Everybody should know that when you come here and designate it as an emergency under the Budget Act resolution, it means it doesn't count against anything. If we want to, we can be down here the rest of this evening adding additional items and saying they are emergencies.

I don't know enough about this amendment. It is difficult to understand, even though it has been read. But we do know one thing: It costs \$900 million.

Obviously, there are some who do not want anybody interfering with people's ability to come down here and add money. But I frankly think what we ought to do is test this one out. I don't

believe it is the right amendment to adopt as an emergency. I think maybe we will discuss it. Some will decide what it looks like and understand it. I don't know. But I am going to make a point of order that this amendment contains an emergency designation in violation of section 205 of H. Con. Res. 290, the fiscal year 2001 budget resolution.

I am perfectly willing to have a debate. We have the statute in front of us. If the Senator wants to make a case for the Senate that in fact he has a brand new emergency, it wasn't available to the committee. It wasn't available the last two times we had an agriculture supplemental—a number of which were emergencies for which we paid billions of dollars. I can recall a couple that were \$7 billion. One was \$6 billion. Then there are lesser ones now that are all supplementals for emergencies for agriculture. I have been told there is no limit so don't bother. There is no limit to those things that will pass as emergencies in the agricultural area.

It is kind of difficult when it is an agricultural issue to get up here and say this because there are some in my State; there are some in other States. I am sure when we are through understanding this amendment, they will try to convince us that everybody should vote for it because it affects them. Frankly, even if it does affect them, it doesn't mean we have to determine that it doesn't count. It should count.

I have a statute in front of me. I will yield the floor for a moment. Perhaps the Senator from Texas would like to read the statute.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to the Senator from New Mexico and also to the Senators from Texas and Arizona that it is my intention, having offered this amendment, to ask unanimous consent to withdraw the amendment after I have had a chance to discuss exactly what the Senator from New Mexico just described—new events that have occurred that have been quite disastrous in my State and some others that are now occurring in a significant region of the country dealing with drought.

My point is to say this about this amendment—and some of my colleagues will want to reinforce it. We have an agricultural disaster, not with respect to the collapse of commodity prices but with respect to floods and drought that have destroyed a significant number of crops in various parts of our country.

If I might, with my colleagues' consent, show a picture of a fellow standing in front of about 300 acres of soybeans. As you can see, it is of course nothing but water. These soybeans are gone. It is the result of a June 12 and June 13 deluge of rain that fell in the

Red River Valley, somewhere in the neighborhood of 16 to 19 inches of rain in a period of about 36 hours.

Let me say that again.

In the Red River Valley, on dead flat land, 16 to 19 inches of rain fell in some areas in about 36 hours. Then on June 19, in Cass County, and in Richland County, and several other areas of the State, in a 6-hour period a group of thunderstorms came together and dumped 8 to 9 inches of rain in a very short period of time. The result was fields as far as the eye could see that looked exactly like this, with crops planted that are devastated and destroyed. In fact, in the Red River Valley area, both in the northern and the southern part of the valley, about 1.7 million acres of crops were lost or significantly damaged as a result of those two devastating events.

We also have a significant drought that is occurring right now in the southern part of our country. As you know, crops are burning up at an accelerated pace. We have a disaster occurring for farmers in other parts of the country.

Let me again say it is my intention to seek consent to withdraw the amendment. I offered the amendment for the purpose of saying to the Congress that, yes, in fact, new events have occurred beginning on June 12 and 13 in our State when 18 to 19 inches of rain fell in about 36 hours, devastating a million and three-quarters acres of crop land. New events are occurring this week, and occurred last week, and I assume in the weeks ahead, with respect to the crops in the southern region of the United States.

I think we will have to address this issue. I think somehow we have to find a way to provide some assistance to those family farmers whose crops have been destroyed by a natural disaster.

Some will say perhaps there was some money provided earlier in the year in an agriculture bill for family farmers. That of course is true, and it dealt with the issue of collapsed grain prices. That reimbursement had to do with the collapse of market prices for commodities. There is, however, a circumstance in our country today, given the new laws in recent years, in which we don't have a disaster program available to try to provide some assistance when these disasters occur.

I offered the amendment for the purpose of discussing it, as will my colleague.

At this point, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3963) was withdrawn.

Mr. COCHRAN. Mr. President, on behalf of the managers of the bill, I send a package of amendments to the desk, the agriculture emergency assistance

package, and ask that they be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, on behalf of other Senators, proposes en bloc amendments beginning with No. 3964.

Mr. COCHRAN. I ask unanimous consent that the reading of the amendments be dispensed with.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. Is the amendment divisible?

The PRESIDING OFFICER. The Senator sent up a group of amendments that require consent to be considered en bloc.

Mr. GRAMM. I object to them being considered en bloc.

AMENDMENT NO. 3964

The PRESIDING OFFICER. The clerk will report the first amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HARKIN, proposes an amendment numbered 3964.

Mr. COCHRAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

Mr. COCHRAN. Mr. President, let me make a point of order and say that it is the intention of the manager to read a description of each of the amendments in the order in which they have been submitted to the Chair so that all Senators will be advised of the nature of the amendment.

I renew my request to ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SESSIONS). Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the use of funds for the Emergency Watershed Program for emergency expenses for floodplain operations identified as of July 18, 2000)

On page 76, after line 18, of Division B, as modified, insert:

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

"For an additional amount for 'Watershed and Flood Prevention Operations,' to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, \$70,000,000, to remain available until expended: *Provided*, That funds shall be used for activities identified by July 18, 2000: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended is transmitted by the President to the Congress: *Pro-*

vided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. COCHRAN. For the information of Senators and the edification of all Senators who have asked that amendments be put before the Senate, under a section of the bill entitled "Agriculture Emergency Assistance Package," I will read the list that the managers recommend be considered now by the Senate:

Amendment No. 1, for Senator HARKIN, to provide additional funding for emergency watershed and flood prevention operations;

No. 2, an amendment for Senators LEVIN and COLLINS to provide emergency assistance to apple and potato producers;

No. 3, an amendment on behalf of Senators GRAHAM and MACK—

Mr. DOMENICI. Could the Senator state the dollar number when he reads it? You gave us a description. Can you tell us how much?

Mr. COCHRAN. I was going to give you a total dollar number.

Mr. DOMENICI. Do you know each amount? It is your bill.

Mr. GRAMM. We have one amendment before the Senate, the HARKIN amendment.

Mr. COCHRAN. The Harkin amendment is \$70 million. The Levin-Collins amendment is \$115 million; the Graham-Mack amendment to compensate for nursery stock losses does not score.

No. 4, an amendment on behalf of Senators LOTT, COCHRAN, and KOHL to extend the wetlands reserve program; it is estimated to cost \$117 million;

No. 5, an amendment on behalf of Senators LEAHY and JEFFORDS, compensation for livestock losses, is estimated to cost \$4 million;

No. 6, an amendment on behalf of Senators HARKIN and BOND, for green biotechnology evaluation, estimated to cost \$600,000;

No. 7, an amendment on behalf of Senators ABRAHAM, SCHUMER, and LEVIN, for potatoes and apples quality losses, estimated to cost \$45 million;

No. 8, on behalf of Senators GRAHAM and MACK on compensation for citrus canker losses, estimated to cost \$40 million;

No. 9, on behalf of Senator COCHRAN, on emergency APHIS funding, estimated to cost \$59.4 million;

An amendment on behalf of Senators THURMOND and HOLLINGS on grain indemnity assistance, estimated to cost \$2.5 million;

An amendment on behalf of Senator COCHRAN on conservation assistance, no score on budget authority, \$6 million in budget outlays;

No. 12, on behalf of Senator SESSIONS on livestock assistance, no score is available, and is estimated to have no cost;

No. 13, on behalf of Senator EDWARDS on community facilities, estimated to cost \$50 million;

No. 14, on behalf of Senator DORGAN, natural disaster assistance, the amendment described, \$450 million;

No. 15, Senators INOUE and AKAKA, an amendment on commodity transportation assistance, estimated to cost \$7.2 million.

That is the entire list, for the information of Senators. It has been reviewed by the managers and recommended to the Senate by the offering of the amendment as eligible for agriculture emergency assistance in the amounts identified as stated.

Mr. DOMENICI. What was the total?

Mr. COCHRAN. The total amount of all of these amendments amounts to about \$900 million. The bill contained \$1.116 billion in emergency-designated programs and activities as reported by the committee. So the total emergency designated items and programs included in the bill, if this package is agreed to, would amount to \$2.1 billion based on preliminary scoring made available to the committee by the Congressional Budget Office.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I first clarify that the \$450 million that the Senator from Mississippi referenced is not for North Dakota. It is a national program to deal with disasters that have occurred in this most recent period of time. Some States have been hit by drought. Some States have been hit by flooding.

In reference to the question of the Senator from New Mexico, whether these are emergencies that could not have been dealt with in the normal process of the committee's work, the answer is affirmatively yes, they could not have been dealt with in the normal work of the committee. They could not have been dealt with in the previous supplemental because the disaster had not yet occurred—at least with respect to North Dakota.

Senator DORGAN indicated we had the most remarkable weather event since we saw the 500-year flood in 1997. In mid-June, our State got 20 inches of rain in 36 hours. This is the headline from the biggest paper in the State: "Swamped." This was a week after the rain that I just referenced.

The rain that I just referenced occurred a week before this one. We have been hit by the most remarkable series of floods since the 1997 flood, which was a 500-year event.

On June 12, in North Dakota, we had rains that were up to 20 inches in a wide band in northeastern North Dakota. Seven days later we got hit with this rainstorm—8 inches in 6 hours. The devastation is stunning.

On the State university, this is the reference, NDSU, \$50 million at the State university.

At the dome that is the large center, the activity center for the city: \$10 million of damage. In surrounding farm areas as a result of these two floods: 1.7 million acres devastated.

The catastrophe in our State cannot be overstated: 1.7 million acres of land devastated, hundreds of millions of dollars of damage in the largest city in our State. This is an emergency by any definition. Unfortunately, it had not occurred when we dealt with the supplementals. It had not occurred when the committee did its work. It is only now that we know the full extent of the damage. That is why we are here asking our colleagues not for a new program but to reinstate the program we had last year to deal with crop loss disasters.

Last year, we put in place a program that cost about \$2 billion to deal with natural disasters. This year we are asking for \$900 million not just for North Dakota but for the other States that have been hit as well. We know the devastation in North Dakota is stunning, but we are not alone. In other areas of the country disasters have ruined crops as well: 216 counties in Georgia, South Carolina, and Florida were declared disaster areas on July 14.

I might say to my colleagues, I spoke on this matter last Friday with Senator Coverdell, Senator Coverdell who was tragically lost to us earlier this week. Senator Coverdell had indicated that he would join in an amendment because Georgia has been devastated. South Carolina and Florida were declared agricultural disaster areas as well on that same day, July 14.

USDA has also declared agricultural disasters in parts of Alabama, Nebraska, New Mexico, Arizona, Mississippi, New York, Texas, Washington, and perhaps other States. These are the States that I know of that have had disasters declared.

The hard reality is these things have happened. The earlier package we dealt with was designed for economic disasters. That has been passed. That has been signed into law. This is to give back the program that was available last year for areas hit by drought or severe flooding. We are asking for \$900 million. I can tell you, it is desperately needed, desperately needed. It is without question an emergency.

This series of events, at least in our State, had not occurred at the time of the supplemental appropriations bills, nor had it occurred so the full extent of the damage was known for the committee deliberations. That is the reality.

This responds also to the needs of producers in the Northeastern United States who have been hit, and the needs of producers hit by disasters in the South.

I ask my colleagues to very carefully consider their response to this request. We have always tried to be a United

States of America in response to disasters, listening to the needs of every State in every condition. I regret very much that I am here asking again. We have had nine Presidential disaster declarations in the last 8 years in my State. I never remember something like this in my life. There is some extraordinary weather pattern affecting my State.

As many of you know, we have a lake that has risen 25 vertical feet in the last 6 years, a lake that is the size of the District of Columbia, a lake that is devouring surrounding communities, roads, farms—that is another disaster. That lake missed having this extraordinary rainfall by 70 miles. If that lake would have been hit by this 20 inches of rain in 2 days, we would have been here dealing with a calamity of stunning proportion.

So I say to my colleagues, I know none of us like these surprise requests, but we could not have made the request until the disaster occurred. We could not have quantified the need, unfortunately, until FEMA and USDA had a chance to go in and do a review of the level of disaster. Again, the \$450 million requested is not for North Dakota. It is a national response to all the States that have been affected to repeat the program we passed and put in place last year. I hope my colleagues' hearts will not turn cold simply because we have had to face disasters year after year. I can tell you, the people of my State need help. Mr. President, 1.7 million acres devastated, that is one-fifth, 20 percent of the crop base of my State, and the biggest city of my State, as the headline in the biggest newspaper in my State says: "Swamped."

This is from the Grand Forks Herald, one of the four largest cities in the State, 80 miles to the north of Fargo: "Area Flooding Continues." Here are additional reports, "Weather Service Official Says Storm Worst He's Ever Seen."

It is hard to describe an event of this proportion—20 inches of rain in 36 hours. It is Biblical. I don't know any other way to say it to my colleagues.

This is from the Fargo Forum, again the biggest newspaper in our State, with officials there saying: "It's the worst rain flood we've ever had"—in the history of our State.

Finally, this story kind of tells it all, again from the biggest newspaper in our State: "Floods Finish Off Crops Hurt By Drought."

I just conclude by saying to my colleagues: It is perverse but it has happened. Hundreds of millions of dollars of damage in my State alone, with other States similarly affected. We ought to put in place the program we had last year to help those who deserve assistance. That is my plea to my colleagues tonight.

The PRESIDING OFFICER. The Senator from Minnesota.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized.

Mr. WELLSTONE. Mr. President, I say to my colleague from Texas, I think I will take about 3 or 4 minutes; that's all. I want to associate myself with the remarks of my colleagues from North Dakota.

I simply want to put it in personal terms because I think that is the way most Senators understand things. About 2 weeks ago, I was visiting with friends. When I drove up, there were pickup trucks as far as you could see. The farmers were there because of flooding, again, for the seventh year in a row. In my State, 350,000 acres of farmland have been destroyed. You could just look at the faces of people and see the pain. This happened in June when we were dealing with the MILCON bill. We were not able to assess the damage yet.

Look, whatever the vehicle is and however we do this, I thank Senator COCHRAN for understanding what we are trying to do, and I hope—this amendment has been withdrawn, but I hope we do come together as Senators to support this. This is not just about North Dakota or Minnesota; it also is about a lot of States in the South. There, it is the opposite problem; it is drought.

I have only been here—I guess it is a long time—9 years. That is not as long as some of my colleagues. The way I feel about the Senate is we do become a community. Maybe we will do it a different way, but we are a community in the sense that it is, there but for the grace of God go I. Whenever Senators come to the floor and say: My God, it's been tornadoes, it's been hurricanes, its floods, its droughts and people are hurting and people need help, I do not hesitate to vote for other Senators and other people in other States. That is what this is about.

This amendment has been withdrawn, but the question before us will continue to be a question before us. I certainly hope that, working with Senators, Democrats and Republicans alike, we will be able to get the support.

I will finish this way: This is not like how do you come to the floor of the Senate and sneak something through or there is something that you are doing that is some flagrant special interest favor. The only special interests here are a whole bunch of good people, who are going through a living hell, who need some help. What we are trying to do is get that help for those people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, if we were beginning to write a farm budget this year, these arguments might resonate. The problem is we have already spent \$9.6 billion that required budget waivers so far this year: Spending some of it in the year 2000, and spending some of it in the year 2001, but all of it where we made a commitment to spend this year.

What is really happening is we are in the process of simply throwing the budget out the window. We are in the process of letting this budget surplus literally burn a hole in our pockets. The level of scratching and clawing to get into the pockets of the Federal Government is at a level I have never experienced in the 22 years I have served in Congress.

It seems to me if this provision were meritorious in a bill that is providing \$14.85 billion of discretionary assistance to farmers and ranchers, it would have found a place. In fact, this bill, in addition to the \$1.4 billion of crop insurance, \$1.6 billion in emergency assistance, the \$5.5 billion of loss assistance, the \$1.1 billion this bill has for emergencies—if we adopt this amendment, we are saying that a full \$10.5 billion of emergency spending in agriculture will be expended this year when the entire nonemergency part of the bill is \$14.85 billion. In other words, we have about a 66-percent increase in spending, all in the name of emergency.

I have to say I believe this has gone too far. We are all interested in helping farmers and ranchers. We all know there are problems, but every year the President proposes a level of assistance, Republicans raise it, Democrats raise it more, and then our Democrat colleagues raise it again. Is there no limit to the amount of money we are willing to spend because we have this surplus?

Obviously, I cannot address every issue raised by every Senator, but one has to ask the question: When 50 cents out of every dollar going to farmers in America is coming from the Government, what is going on in America today?

It is very interesting to me, and I just put these figures out here and pose a question: If we are having a complete agricultural disaster, if farmers are going broke left and right, if we should be spending almost 70 percent of our ag budget in emergency add-on spending, what would you expect to be happening to farm debt? Given that we have a 70-percent cost over-run to "help the farmer," what would you think is happening to farm debt? What would you think is happening to the level of farm assets? What would you think is happening to the debt-to-asset ratio?—in other words, the amount of debt farmers have relative to their assets.

When we have allowed emergency spending to reach levels unprecedented

in the history of this country, when we have made emergency appropriations in agriculture the norm, when we have had a bidding war to buy votes in rural America such as this country has never seen in its history because of all of these losses, what would you think is happening to farm debt?

Let me just give you the figures: Farm debt in 1998 was \$172.9 billion. In 1999, it was \$172.8 billion. This year, it is projected to be \$172.5 billion.

With all of this economic disaster, with this destruction such as we have not seen since Steinbeck novels, somehow, remarkably, farm debt is going down and not up. Yet we cannot spend money fast enough. There is just not enough money in the world to meet the demand we have for it.

What would you think is happening to farm assets? Farmers going broke left and right, leaving the farm, disaster, the trails, the trucks going to California, the desertion, the disaster in rural America—what do you think is happening to farm assets? They must be plummeting. They must be in a complete free-fall. Oddly enough, not only are they not plummeting, they are going up. They were \$1.0643 trillion in 1998, \$1.0672 trillion in 1999, and they are projected to be \$1.0728 trillion this year.

If there is such absolute calamity in agriculture in America today, why are assets going up, and not down?

Finally, with all of this burgeoning debt—farmers drowning in debt; the mortgage collector at the door; the mean, cold-hearted banker beating on the farm door, foreclosing mortgages; widows being put out on the lawn on our farms—what do you think has happened to the debt-to-asset ratio in agriculture? It was \$16.2 billion in 1998, \$16.2 billion in 1999, and \$16.1 billion today.

What is wrong with this picture? We are saying that the world is collapsing in rural America, and we are spending at rates unprecedented in the history of this country to deal with a calamity; and yet farm debt is going down, farm assets are going up, and the debt-to-asset ratio in agricultural America is actually going down.

Now look, something is wrong here.

What is wrong with this picture? I will tell you what is wrong with this picture. The obscene actions that have been taken in this Congress. There seems to be no limit to what we are willing to spend in the name of agriculture. I think it has to stop. I can't judge the merits of this case, this \$70 million, that \$115 million, the next \$117 million, \$4 million, \$600,000—

The PRESIDING OFFICER. Will the Senator suspend.

The Senate will be in order.

Mr. GRAMM. The \$45 million, \$40 million, \$59.4 million, \$2.5 million, \$6 million, \$50 million, \$450 million, \$7.2 million—these are all emergencies

that, when we funded the three previous emergencies, did not make it into the stack. When this bill was written, in a committee that is not known for turning a cold, dead eye to suffering farmers and ranchers, this \$900 million never made it into the stack.

But here we are, on a Thursday afternoon, at 7:20 p.m., and we are talking about \$900 million—\$900 million of spending that was not in the budget, that was not in the appropriations bill, that requires a waiver of the Budget Act, and that requires the designation of an emergency.

I am saying, in \$10 billion of emergency spending and \$14.85 billion of ordinary spending—out of \$25 billion that we are spending—how come there was not room for this \$900 million? How come we are suddenly dealing with it at 7:25 p.m. tonight?

I think the answer is as clear as the answer can be. The answer is, we are determined we are going to spend every penny we can spend. We are turning our budget process into an absolute laughing stock. We are proving that all somebody has to do is walk down to the floor on Thursday evening and offer an amendment, spending millions of dollars, and it is great.

We are asked: Have you lost compassion? Look, I have plenty of compassion. But how much compassion is enough? How much do we have to spend on these programs? This year, we have already spent almost \$10 billion in agricultural programs that required a budget waiver. We are already to the point where half of all net farm income is coming from a check from Washington, DC. Where does it end?

Final point—I have talked too long—but today, when we had Alan Greenspan before the Banking Committee, he was asked whether or not he was concerned about the fact that if you take the appropriation growth we had this year and project it for 10 years, it is over \$1 trillion in new spending. We are realistically debating a new entitlement that, when fully implemented for 10 years, would cost about \$750 billion. He said he was very concerned about it, that he thought it represented a potential threat to the economy.

So I am not saying that all of these things are without merit. I am just saying: When does it end? When does it stop? How much is enough? Is \$10 billion of emergency spending—almost 70 percent above the normal level of spending—is that not enough?

I think these are real questions that need to be answered. I think it is important that we stop these amendments. And they may be adopted. Look, I understand the votes may be here to adopt them. But they are going to be adopted individually. And they are going to be subject to a point of order. We are going to begin to resist. This has to end somewhere. It seems to me that this is the place where we need to begin to talk about it ending.

I, quite frankly, was willing to accept all of these so-called emergencies already in the bill, but this just goes beyond the limits of endurance, in my opinion.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I will be brief.

I am very pleased that the distinguished chairman of the Budget Committee is going to raise a point of order, very shortly, on the first amendment, the Harkin amendment. I do not pretend to have the budget knowledge and expertise of the distinguished chairman of the Budget Committee, but I do know that when he becomes exercised about what is taking place, at an ever-increasing crescendo of additional spending, about which Members really have no information or knowledge, we have to bring this to a halt at some point.

I say to my colleagues now, I will make every effort to prevent us from going out of session without the appropriations process being resolved. No more should we all go home while four or five Members of Congress decide on omnibus appropriations bills and then we are called back to vote “yea” or “nay” on a bill that none of us has had a chance to know or read.

Every year, for the last 3 years, we have been assured that this will not happen again. Well, my friends, I will do everything in my power not to have it happen again.

But let me point out, the Harkin amendment, which we just saw—this amendment which was about to be adopted by voice vote in the package of amendments totaling \$960 million, which none of us had seen—let me just describe it to you.

It says:

For an additional amount for “Watershed and Flood Prevention Operations,” to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, \$70,000,000, to remain available until expended: Provided, That funds shall be used for activities identified by July 18, 2000

Let me repeat that:

. . . That funds shall be used for activities identified by July 18, 2000. . . .

That was 2 days ago. What activities? Identified by whom? The Department of Reclamation? The Department of Agriculture? Senator GRAMM? Senator HARKIN? What activities that were identified by July 18? And where is the record of July 18 of these activities that were identified to spend \$70 million on?

What is going on? We are going to spend \$70 million for “Watershed and Flood Prevention Operations,” for “activities identified by July 18, 2000”? Is there any Member of this body, includ-

ing the sponsor of the bill, who knows what activities have been identified?

Mr. COCHRAN. If the Senator will yield, I will be happy to give him the answer.

Mr. McCain. I will be happy to hear the answer.

Mr. COCHRAN. The date of July 18 was chosen because it was on that date that the National Resources Conservation Service provided a list to the committee, at our request, of unfunded needs that were considered emergency watershed projects throughout the United States.

It was this list from which we chose to estimate the funding needs that ought to be included in this bill as true emergencies. The total amount of the unfunded projected needs is \$157,111,000. We have suggested the \$70 million figure for emergencies. Of those projected needs, spring floods accounted for \$30 million, hurricanes and tornadoes for \$50 million, and fires for \$10 million. These are either erosions or destruction of watershed protection facilities or the requirement for obtaining floodplain easements in those areas. That is generally across the United States. It is not State specific.

Then there are 23 States where the amounts are specifically identified as totaling \$67,111,000. These are the States: Alaska, Arizona, Arkansas, California, Colorado, Georgia, Indiana, Illinois, Iowa, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Utah, and Wisconsin. They vary in each State from, for example, Alaska, which is a small number, \$237,000, to a large number, California, \$12 million; another large number, Illinois, \$7.5 million; and Iowa, which was the subject of Senator HARKIN's request, \$7.5 million, to which the managers added all the other States so it wouldn't be just relief for one State but all States that were similarly situated would be included in this amendment because they all had similar needs.

Mr. McCain. I thank the Senator from Mississippi. That is very illuminating. I guess my next question to the distinguished manager is, we already have \$1.1 billion worth of spending designated “emergency” in the bill. What occurred in the intervening time that necessitated an additional nearly billion dollars and next week will there be another billion dollars? I believe only a week has elapsed since the bill was brought to the floor.

Mr. COCHRAN. Mr. President, if the Senator will yield, these are figures that were provided to the committee by the Natural Resources Conservation Service. That service administers the Emergency Watershed Protection Program. These are the projected needs through fiscal year 2000. They were provided to the committee on July 18 at our request.

This program was out of money as of sometime last fall because of the cutbacks in funding that we have been seeing in this bill, along with others as well. To try to achieve consistency with the budget resolution targets and our allocation under section 302(b), we were not able to fund programs to the full amount of the request from the administration for projected needs.

These are given to us as certified emergency needs from this agency that has the responsibility of administering the program.

Mr. MCCAIN. Mr. President, I thank the Senator for that information.

The Senator from Mississippi has added a great deal to the store of knowledge of this body. I think it is very helpful. I still don't quite understand why at the end of an appropriations bill there should be, en bloc, 15 or whatever it is amendments worth over \$900 million, which we didn't even get a copy of until we demanded it at the time, after the amendments were proposed. I don't think that is the way we should do business around here, particularly when we are talking about hundreds and millions and billions of dollars. I think it would have been appropriate—although I won't continue with the floor—as to what happened to the \$8 billion or so that we already spent. What about those emergencies and what happened to that money?

I thank the Senator from Mississippi for his information and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will try to be very brief.

I want to make an observation. I honestly believe that we would be better off if instead of continually adding emergencies for agriculture or anything else, if we were to add more money straight up to the appropriations process. I believe we ought to just ask the chairman and ranking member at the end of this year to add more money. But we ought not to, by the week, add emergencies.

I know there are a number of bills—who knows where we will come out on them—that are taking care of problems by adding emergency provisions. I believe the chairman understands, the chairman of the Appropriations Committee understands our problem. I believe Senator BYRD understands our problem. The solution is not to add an emergency by the week, have a bill and then everybody comes running and we say: There is no room for it. Well, call it an emergency and then there will be room because it doesn't count against anything.

I want to make another observation about the agricultural community. I probably have the best support or at least as good support as any Senator here from the agricultural community of my State. But I am not impressed with the year-in-year-out emergency

requests of the agricultural community of this country. It is approaching the ridiculous. They ask the Budget Committee, put more money in for agriculture.

We were pretty skimpy on other things, but we were not very skimpy on agriculture. We provided, and the committee held on to this in the appropriations, a \$5.5 billion reserve fund for market losses. As soon as they funded it, the reserve fund was released, and they had \$5.5 billion. Market losses are emergencies in the broad sense for agriculture, I guess. I understand that to be the case. People are getting checks because the market didn't work. They didn't get money.

We put in a new crop insurance allowance for which everybody thanked us. It was passed, but it was passed even bigger than we thought. And that was all right. That amounted to \$3 billion. It is heralded as a fantastic success by people such as Senator PAT ROBERTS of Kansas. We finally did it. Now crop insurance is emergency money. It is a rational way to take care of annual losses by crop insurance, a sharing of the burden by a lot of people. When a crop fails, you have something to help them with.

Well, that wasn't quite enough and we knew it. And we heard: Don't hold your breath; there will be more agricultural emergencies.

I hope and pray the bill finishes tonight. I wish it would have finished a week ago. Sooner or later, we have to stop adding emergencies to a bill in the agricultural area. I am not sure that every one of these are agricultural subsidy enhancers. The bill has a lot of jurisdiction. It could be other things. The distinguished senior Senator from Mississippi manages the bill beautifully. He knows what he is doing.

I noted also, when he sent these amendments to the desk, he said: I send them on behalf of the Senators that have asked for them. He did not say the chairman of the Agriculture Committee submits these and asks for all of them. I believe he really thought somebody would challenge some of them but he would offer them because he had worked on them to narrow down a request that was even bigger than this.

I suggest that we try this on tonight, that we decide that if we need more money and we are going to put it in bills, that we ask the chairman to spend more money. I will not agree with my friend from Texas. It is not the appropriations bills that are going to break this budget. It is not the appropriations bills that are going to cause us to run out of the surplus that is being generated. You can count on that. The increases in appropriations will be wiped out by one entitlement bill. Whatever you expect to be added to appropriations the next decade will be wiped out by the first major entitle-

ment bill that comes along. It will take from the same pot of surplus as appropriations. It is not appropriations that is breaking the bank.

I compliment Senator GRAMM for trying to keep us from going wild, but the truth is, it is not appropriations. We don't have any control over it, if in fact instead of asking for the money to be added to the budget and vote on that as grown-up Senators, we added money, and do you want it or not. You will have a shot at that when we add it because we are going to add money. The chairman is going to have to ask us for more money to get the appropriations bill, substantially more. But it will be a heads up add-on. It won't be coming along the way we are here. So when it is appropriate, after asking a parliamentary inquiry, I will make a point of order. What is pending before the Senate right now?

The PRESIDING OFFICER. The pending question is the amendment No. 3964 offered by Senator COCHRAN for Senator HARKIN.

Mr. DOMENICI. Is it appropriate to make a point of order under the Budget Act regarding the emergency quality of that?

The PRESIDING OFFICER. That would be appropriate.

Mr. DOMENICI. Mr. President, I make a point of order that the amendment contains an emergency designation in violation of section 205 of H. Con. Res 290, and the fiscal year 2001 budget resolution.

Mr. COCHRAN. Mr. President, I move to waive the point of order pursuant to section 205(c) of H. Con. Res 290 with respect to all emergency designations in this bill and to all the amendments to this bill filed at this time, and I ask for the yeas and nays.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The first issue is to determine if there is a sufficient second. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3977—MOTION TO WAIVE

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 3977:

Strike all after the first word, and insert the following:

"I move to waive section 205 of the budget resolution for consideration of the Harkin amendment."

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3978 TO AMENDMENT NO. 3977

Mr. COCHRAN. Mr. President, I move to strike the word "waive" in the pending amendment and insert the following: "Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than amendment No. 3918."

I send the motion to the desk. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 3978 to amendment No. 3977.

Mr. GRAMM. Parliamentary inquiry. Is this a strike-and-insert amendment?

The PRESIDING OFFICER. The regular order is for the clerk to finish reporting the amendment.

For the information of the Senator, the amendment does strike a word and add other language.

Mr. GRAMM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Under the regular order, the amendment should be read or its reading terminated by regular order.

Without objection, it is so ordered.

The amendment is as follows:

Strike the word waive in the pending amendment and insert the following:

"Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than amendment No. 3918."

Mr. COCHRAN. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3978 TO AMENDMENT NO. 3977,
WITHDRAWN

Mr. COCHRAN. Mr. President, on behalf of the leader and at his request, I ask consent that the pending motion to waive and any amendments thereto be withdrawn, and that the point of order be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3457, 3933 TO 3457, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, AND 3976, EN BLOC

Mr. COCHRAN. I further ask consent that the Harkin amendment No. 3964 and the other emergency designation amendments now pending at the desk be considered en bloc and agreed to en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3964) was agreed to.

The amendments, en bloc, were agreed to as follows:

AMENDMENT NO. 3457

(Purpose: To provide market and quality loss assistance for certain commodities)

On page 75, between lines 16 and 17, insert the following:

SEC. 7. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use \$100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use \$15,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 crop of potatoes and apples, respectively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of

the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. LEVIN. Mr. President, I have an amendment which would assist apple growers who suffered losses from fire blight and other weather related and economic damage. The amendment is cosponsored by Senators COLLINS, SCHUMER, GORTON, MURRAY, SNOWE, LEAHY, JEFFORDS, MOYNIHAN, DURBIN, ROCKEFELLER, ROBB, ABRAHAM, and LIEBERMAN. This spring, apple growers in Michigan suffered huge crop losses and damage due to several hail storms which caused thousands of acres of apple trees to be infected with fire blight. Fire blight is a bacterium that has destroyed thousands of acres of fruit trees in Michigan. Experts at Michigan State University anticipate that ¼ of all MI apple farmers have trees that are afflicted by fire blight. As a result of this weather related disaster, many of Michigan's best apple producers face diminished production this fall, and decreased revenues for many years to come. My amendment provides essential assistance for apple and potato producers that have suffered quantity losses due to fire blight or other weather related disasters. These hardships could not come at a worse time for our nation's apple farmers who, according to USDA, have lost nearly \$1 billion over the past three years due to a variety of factors including diseases, such as fire blight. This legislation also includes assistance for apple and potato farmers who have incurred quality losses due to weather-related disasters.

The Agricultural Risk Protection Act, which President Clinton signed into law, included some emergency assistance for our nation's farmers. However, much remains to be done to address the myriad of problems facing out nation's apple farmers. That is why with 13 cosponsors I have introduced amendment No. 3457 that would provide \$100 million in assistance this year for quantitative losses of our nation's apple farmers. A second degree amendment that would provide \$60 million for qualitative losses, suffered by apple and potato farmers, was attached to my amendment by Senators ABRAHAM and SCHUMER. Articles from a number of Michigan papers show the plight of apple farmers, and mentions the need for direct assistance, in the form of this amendment, to our apple farmers. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Herald-Palladium, June 22, 2000]

**BAD APPLES: FIRE BLIGHT IS TAKING BITE
OUT OF AREA CROPS**

FARMERS SEEK FEDERAL FINANCIAL
ASSISTANCE FOR ACRES OF DYING TREES

(By Michael Eliasohn)

WATERVLIT—The name of Rodney Winkel's farm is Grandview Orchards, but the view these days is far from grand.

A building on Winkel's Bainbridge Township farm Wednesday morning was the location for a meeting of about 80 Southwest Michigan farmers who have the same view—brown dead leaves on dying apple trees.

The cause is fire blight, a bacterial infection that shrivels the apples and can kill the trees. Alan Jones, Michigan State University's fire blight expert, said it's the worst outbreak ever in Michigan.

John Sarno, U.S. Farm Service Agency Southwest Michigan regional director, said his office has received preliminary reports of fire blight damage in Berrien, Van Buren, Cass and Kalamazoo counties. He expects to receive a similar report soon from Allegan County and believes there may be damage in Ottawa and Kent counties.

Prior to the meeting, Michigan Farm Bureau (MFB) conducted a tour of four fire blighted orchards in Van Buren County for aides to several Michigan members of Congress, plus staff from the MSU College of Agriculture, the Farm Service Agency, Michigan Department of Agriculture and others.

Winkel described the problem facing the farmers. He and his son-in-law Mark Eppe grow about 300 acres of apples. "I conservatively estimate we'll take out 60 to 70 acres of trees," he said. "These are huge dollars we're talking about and the cookie jar is dry."

"A number of years ago, agriculture could handle a disaster like this," but not any more, said MFB President Jack Laurie, who chaired the meeting. "The (profit) margin has been reduced, so farmers can't stand a big loss."

Unlike a spring freeze that wipes out that year's crop, the fire blight damage goes far beyond one year.

Coloma area grower Jerry Jollay said during the meeting he and his son, Jay, expect to lose about half of their 55 acres of apple trees.

He later told The Herald-Palladium if trees are removed and new trees planted, it takes 5-6 years until they start producing a good crop and it isn't until the eighth year they get a full crop.

He estimated it costs from \$4,000 to \$10,000 per acre to replant trees and to maintain them until they start producing, depending on the number planted per acre. The figure does not include the value of lost production.

Growers may be able to remove diseased limbs and save some trees, according to Jones of MSU, but that could mean 2-3 years of reduced crops until it gets back to full production.

"But if you don't get it all," said Mike Hildebrand, "it will flare up next year or the year after." Hildebrand and his father, Ernie, grow about 70 acres of apples near Berrien Springs.

Jones said if an infected limb is missed, the fire blight will spread to the roots and kill the tree.

And if one tree is infected, the fire blight can spread to the rest of the trees in the orchard.

Sarno told the growers there is no existing program to compensate them for fire blight damages, that Congress has to approve one

and the funds for it. "We have to start over," he said. "We have to look at what we have today (in damage) and that's what we're doing today."

Sarno later told The Herald-Palladium there are three potential programs Congress could approve, one involving low-interest loans to partially compensate them for their production losses and tree losses.

The other two programs would give them grants, either to help cover production losses or pay for removing diseased trees and planting new ones.

Farmers with crop insurance may be covered for lost crops this year.

Sarno said county agricultural emergency boards must first compile loss data, which they forward to the state emergency board.

If the state board decided the loss is significant enough, it asks Gov. John Engler to ask U.S. Secretary of Agriculture Dan Glickman to declare the affected counties agricultural disaster areas, thus qualifying growers for aid, if Congress OKs it.

Sarno said the last time there was such an emergency, in Kent County in 1998 when winds blew down trees and spread fire blight, it took about a year before growers received their government checks. "We hope to expedite this (for fire blight damage)," he said.

Winkel said he could lose 30,000-35,000 bushels of apples this year, and for the next several years, until replacement trees start producing apples, his loss could be 50,000 bushels a year.

The value of apples varies widely, depending on the variety, when they are sold and their use, but at \$6 per bushel—the 1999 average from two area packing houses for Jonathans—Winkel's annual loss would be \$300,000 a year.

He said Idared, Jonathon, Rome, Gala, Paulared and Golden Delicious are the varieties being affected most by fire blight.

For some growers, fire blight isn't their only problem. Jollay said spring frosts and freezes reduced his tart cherry crop by probably half, apples by 20 percent and peaches by 50 percent.

Then hail on May 18 caused more damage, followed by the fire blight. He guessed he will have only about a fourth of his normal crop of apples.

In his 35 years in agriculture, Jollay said, he has suffered losses from freezes, hail and fire blight, but not all in one year. "This is absolutely the worst I've ever seen." He said he and his son hope to get through this year with income from pumpkins, their other significant crop, and their pick-your-own "family fun" operations in the fall.

As for possible federal aid, he said: "Hopefully this will help alleviate part of the problem."

Coloma area grower Paul Friday, whose 140 acres of peaches suffered major hail damage on May 18, asked that hail-caused damage to fruit and young trees not yet bearing fruit be included in any assistance program.

[From the Kalamazoo Gazette, June 22, 2000]

**APPLE GROWERS GETTING BURNED—EPIDEMIC
OF FIRE BLIGHT DEVASTATES LOCAL CROP**

(By Ed Finnerty)

HARTFORD—The Golden Delicious apple trees on Kevin Winkel's family farm are anything but golden or delicious.

Their leaves are more brown than green. Their fruit resembles rotting grapes more than edible apples.

To Winkel and scores of besieged farmers in the apple country of Van Buren and Berrien counties, a killer epidemic of fire blight that has overtaken their orchards and

threatens their livelihoods is a disaster by any reasonable standard.

"It got my entire crop," lamented Winkel, a second-generation grower working the land he took over from his father 16 years ago.

"There will be zero income from this year's crop and at least half of the expenses are already in it," said Winkel, a married father of two who isn't sure the business will survive the loss.

Apple farmers in Van Buren and Berrien counties in southwestern Michigan are hoping to persuade the Federal Government to declare their farms disaster areas, entitling them to aid farm officials say may be a last lifeline for some growers.

"The problem here is devastating," said Al Almy, Michigan Farm Bureau's director of public policy and commodities. "It could put some of the very best growers right out of business."

Fire blight is a bacterial disease affecting primarily apple and pear trees that is spread by insects and often enters blooms or leaves damaged by wind or hail. It destroys tissue it infects, killing blossoms and shoots, sometimes progressing into the tree and its roots. Badly infected trees look like they have been burned.

Strains of fire blight that have become resistant to antibiotic sprays have slowly spread in area orchards, but a May 18 storm that produced hail and high winds is blamed with sparking the huge outbreak.

Mark Longstroth, district horticulture and marketing agent with the MSU Extension, estimates some 300 to 400 growers and 27,000 acres of apples will be affected by the blight. The major damage is in Van Buren and Berrien counties, but fire blight has appeared in Allegan, Cass and Kalamazoo counties too, officials say.

Officials are still evaluating losses but say they may reach about \$10 million in the two counties. This year's losses will be multiplied in future years with the loss of production from trees that are killed.

"This is one of the worst epidemics we have ever seen," said Alan Jones, a professor of plant pathology at Michigan State University. Jones, a fire blight expert with MSU for 30 years, said this outbreak dwarfs the worst epidemic he had seen previously, in 1991.

The Michigan Farm Bureau on Wednesday invited media and representatives from the area's congressional delegation to tour orchards from Lawrence in Van Buren County to Watervliet in Berrien County. The caravan stopped at some orchards to inspect the damages, but in most cases a drive by acre after acre of brown orchards was all that was needed to see the devastation.

At an orchard near Watervliet, dozens of apple growers waited to meet with representatives from the Farm Bureau, USDA, Michigan Department of Agriculture, MSU Extension and other agencies. It was partly a show for the invited media, including crews from several newspapers and television stations, and a show of force to representatives of the Congressional delegations.

Staffers for U.S. Sen. Carl Levin and Reps. Fred Upton, Nick Smith, Vernon Ehlers, and Peter Hoekstra were on hand Wednesday, and Michigan Farm Bureau President Jack Laurie urged growers to push them for disaster assistance.

"Levin's office is the one we've got to lean on, this guy here," one grower said to others, as they waited for another farmer to finish bending the ear of Levin's staffer.

If a disaster is declared, farmers will be eligible for low-interest loans to cover losses and replace trees. Federal assistance to replace weather-damaged trees doesn't cover

fire blight, but officials from the Farm Bureau and other assembled agencies said political pressure should be applied to get that coverage.

A state emergency board will be convened to evaluate losses in the affected counties, then ask Gov. John Engler to request federal disaster relief from the U.S. Department of Agriculture.

"I think we have seen enough to know this is very widespread, this is very dramatic," said John Sarno, district director for USDA Farm Services Agency, who took his camera along on Wednesday's tour. "There are going to be great losses."

Any help would be welcomed by Winkel, who says he may have to find a second job and whose wife may have to go from working as a part-time nurse to working full time. His 100 acres of trees, which last year produced about 73,000 bushels of apples and \$300,000 in revenue, will yield nothing this year.

"The whole future of the southwest Michigan fruit industry is at stake here," said Tom Butler, head of the Michigan Processing Apple Growers. "A lot of growers are not going to be able to stay in business until some serious help comes along."

The fire blight will have no discernible impact on consumers because of a strong supply of apples nationwide, Butler said.

Mr. LEVIN. I am particularly grateful to Senator SUSAN COLLINS whose support has been essential. I am also pleased with the many bipartisan co-sponsors who have supported this legislation.

This amendment is similar to legislation which recently passed the other body as part of the FY2001 Agriculture Appropriations bill.

Ms. COLLINS. Mr. President, I rise today to join my good friend Senator LEVIN in offering an amendment to provide much needed relief for apple and potato producers across America. Senator LEVIN and I share a deep concern for these farmers, who have endured such unexpected hardship over the past year. I am grateful for having the opportunity to work with my friend from Michigan on this critical matter.

Over the past three years, America's apple growers have lost more than \$760 million according to U.S. Department of Agriculture statistics. Market conditions, beyond the control of our farmers, and unfair trade practices have contributed significantly to these losses. There has been a reduction in demand for U.S. apples in much of the world because of poor economic conditions in foreign markets. The domestic demand for apples has been affected by conditions abroad as well. With diminished demand overseas, we have seen an increase in the foreign supply of apples in our domestic markets. The U.S. Department of Commerce and the International Trade Commission recently found that our producers have been victimized by unfairly priced imports of Chinese apple juice concentrate.

Unusual weather also has hurt our potato and apple producers. The Maine

Pomological Society, a group that primarily represents apple producers in my State, reports that a summer-long drought, coupled with the heavy winds and rains of Hurricane Floyd in the fall, had a disastrous impact on the quality of apples produced in Maine last year. On average, only 49% of Maine's 1999 apple crop could be sold at the "fancy grade" quality. To provide my colleagues with a sense of what this means, I would note that in 1998, 78% of the apples produced in Maine were labeled as fancy grade.

Maine potato farmers also found themselves victims of weather-related disasters in 1999. In Maine, some potato farmers found their fields covered in as much as 15 inches of water following the drenching that accompanied Hurricane Floyd last fall. Because many of Maine's farmers leave their crop in storage over the winter, we did not realize the full extent of the damage caused by Floyd's rains until this spring. Mr. President, potato farmers pour their hearts and souls into their fields. It is profoundly disheartening to hear from a farmer who has lost an entire crop that took many months of hard work to cultivate.

The amendment Senator LEVIN and I offer today provides much-needed assistance to both potato and apple producers. Under our proposal, the Secretary of Agriculture would allocate \$100 million in market loss assistance payments to our nation's apple producers. The market loss payments authorized by our amendment will help thousands of apple growers from Washington State to Michigan to Maine survive the losses they have endured due to conditions beyond their control. This amendment directs a modest amount of funds to producers who have received very little of the nearly \$15 billion in emergency agriculture spending that we have passed this fiscal year.

Our amendment also directs the Secretary of Agriculture to provide \$15 million in quality loss payments to apple and potato producers who suffered losses as a result of a hurricane or other weather-related disaster. This assistance will be important to those farmers who were unable to produce their finest product because of adverse weather conditions.

Mr. President, the provisions of our amendment are similar to language in the House-passed version of the FY 2001 Agriculture Appropriations bill. The provisions recognize that potato and apple producers, like other farmers across the country, are subject to the vagaries of international markets and the weather. I ask my colleagues to join us in providing assistance to our apple and potato producers in their time of need.

If anyone questions the emergency nature of this request, I would refer them to a news story that ran on the

evening news in Maine this past Tuesday. The segment focused on a long-time apple grower from Alfred, Maine. The grower, with much regret, has come to the conclusion that after thirty-five years this will have to be his family's last crop. The dwindling profits are not enough incentive for the next generation of the family to contend with the government regulations and uncertainty that comes with running an apple orchard. I encourage my colleagues who missed this broadcast from Maine to read the story in Tuesday's New York Times about the hardships being endured by apple growers in New York who watched hail storms this spring wipe out much of their crops. This amendment and the aid it represents is certainly an emergency to these producers.

Mr. President, the federal government must be a partner in our farmer's efforts to feed America and much of the world. The Levin-Collins amendment ensures that our apple and potato producers get the help they need to overcome the difficulties of the past year and continue to produce a quality product. I urge my colleagues to support our amendment, and I yield the floor.

AMENDMENT NO. 3933

(Purpose: To provide relief for apple growers whose crops have suffered extensive crop damage as a result of fireblight)

On page 2, lines 16 through 23, strike all after "(b)" and insert,

"QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use \$60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.

AMENDMENT NO. 3965

(Purpose: To ensure that nursery stock producers receive emergency financial assistance for nursery stock losses caused by Hurricane Irene)

At the appropriate place, insert the following:

SEC. ____.—In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106-78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106-113 (113 Stat. 1536, 1501A-289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of

the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, Senator MACK and I offer this amendment that will correct an injustice being done to nursery growers in south Florida impacted by Hurricane Irene in October of 1999.

On October 15, Florida was hit with Hurricane Irene.

Following closely on the heels of Hurricane Floyd, a storm that caused a disaster declaration in 13 states, Hurricane Irene dropped over nine inches of rainfall on average across Palm Beach, Broward, and Miami-Dade Counties.

Three-day rainfall totals at specific measuring sites throughout this area ranged between 10.88 and 17.47 inches.

Nineteen Florida counties received a major disaster declaration.

At the height of the storm, more than 1 million people lost power.

Agriculture losses from Hurricane Irene totaled over \$438 million.

In total, seven deaths were attributed to Irene's visit to the Florida coastline.

Last year, Congress specifically provided \$186 million in "additional resources for damage caused by hurricanes and other natural disasters in Florida and other states" under Title I—Emergency Supplemental Appropriations of the FY 2000 Omnibus Appropriations Act.

This crop loss assistance was provided in addition to the \$1.2 billion previously allocated under the Crop Disaster Program to respond to farmers who suffered losses due to "adverse weather and related conditions."

In executing this program, the Farm Service Agency (FSA) has made the determination that nursery, unlike other Florida crops damaged by Hurricane Irene, will not be eligible for Crop Disaster Program assistance.

FSA indicates that nursery is ineligible because the program is limited to losses in the 1999 crop year, and the hurricane damage occurred after the FSA-set 2000 crop year had begun.

The hurricane damage occurred on October 16-17, 1999, and the 2000 nursery crop year, according to FSA, began on October 1, 1999.

By all accounts, the FSA's crop year determination was made on an arbitrary basis as nursery does not have a traditional crop year and crops are grown on a year-round basis.

By contrast, the Risk Management Agency had a similar problem and made a special dispensation for the nursery crop year to provide eligibility for hurricane losses under the federal crop insurance program.

The Florida delegation has made a concerted attempt to work closely with

the Department since the hurricane damage occurred.

On December 9, 1999 FSA representatives briefed the Florida delegation on disaster assistance available to Florida farmers, and we were informed that Crop Disaster Program assistance would be available to respond to hurricane-related farm losses in Florida.

Today, it is still not available.

The amendment we offer today will ensure that nursery stock losses due to Hurricane Irene will be eligible for relief under the Crop Disaster Program.

Mr. President, the intent of Congress was clear—that losses in Florida due to natural disasters should be covered by the Crop Disaster Program.

I hope that my colleagues will support our amendment that will provide clear direction to the U.S. Department of Agriculture and ensure that its actions meet the intent of Congress.

I urge its adoption.

AMENDMENT NO. 3966

(Purpose: To permit the enrollment of an additional 100,000 acres in the wetlands reserve program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. . Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the wetlands reserve program: *Provided*, That not withstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section. *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3967

On page 85, after line 8 of Division B, as modified, add:

SEC. . In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole from funds of the Commodity Credit Corporation, not to exceed \$4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Con-

gress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3968

(Purpose: To provide emergency funding for the Grain Inspection, Packers, and Stockyards Administration for completion of a biotechnology reference facility)

On page 76, after lines 18, of Division B, as modified, insert the following:

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, \$600,000 for completion of a biotechnology reference facility: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

AMENDMENT NO. 3969

(Purpose: To ensure that growers who experienced crop losses due to citrus canker receive appropriate compensation)

On page 83, line 5, strike the following: "; and (e) compensate commercial producers for losses due to citrus canker".

On page 85, after line 8, insert the following:

SEC. . (a) Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of agriculture shall use not more than \$40,000,000 of Commodity Credit Corporation funds for a cooperative program with the state of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, members of the Senate, I rise before you today with my colleague, Senator MACK, to offer an amendment to the Agriculture Appropriations bill on behalf of the Florida citrus industry.

Mr. President, if ever there was an industry in crisis, this is it.

Since last year, the Florida citrus industry has been besieged by the ravages of citrus canker.

Citrus canker is a disease that spreads rapidly through the air to infect grove after grove after grove.

There is no cure.

Once a tree becomes infected, it must be burned to the ground to prevent further spreading.

As part of an ongoing effort to eradicate citrus canker, the Animal Plant and Health Inspection Service (APHIS) issued a regulation requiring the destruction of all trees within a 1,900 foot radius of an infected tree.

The result is that hundreds of healthy trees are burned to the ground.

This government regulation is critical to eradication of citrus canker, but it increases the number of trees that are destroyed.

To date, over 1,500 acres of limes and oranges, have been burned.

In response, both the Governor and the Secretary of Agriculture declared a state of emergency in Florida due to the citrus canker outbreak.

Once destroyed, it takes between three and four years for a citrus tree to reach maturity and produce its maximum capacity of fruit.

The growers whose healthy trees are destroyed by the federal government are robbed of income today and income for the next three to four years.

I believe that the destruction of the healthy trees in accordance with federal regulation is in effect, a "federal taking" of private property for which Florida citrus producers should be compensated.

The Appropriations bill we are considering today provides the Secretary with authority to spend funds on compensation for growers who experience losses due to citrus canker.

Our amendment would modify this language to mirror language in the House-passed Agriculture Appropriations bill which provides up to \$40 million for compensation of growers for citrus canker losses.

Our amendment ensures that Florida citrus growers whose trees are destroyed as a result of federal regulation are able to receive appropriate compensation.

I hope that my colleagues will join me in providing much needed assistance to an industry besieged by disease and severely impacted by a federal regulation which, while well-intentioned and important to the eradication of this disease, robs citrus growers of income from healthy trees for a three to four year period.

AMENDMENT NO. 3970

On page 76, strike lines 6 through 18 and insert in lieu thereof:

"For an additional amount for "Salaries and Expenses", \$59,400,000 to be available until September 30, 2001: *Provided*, That this amount shall be used for the Boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That the entire amount shall be available only to the extent on official budget request for \$59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. COCHRAN. Mr. President, during year 2000, the National Boll Weevil Eradication Program (BWEP) will have approximately 6.8 million acres under active eradication and treatments will be initiated on an additional 832,000 acres, bringing the total acreage in active eradication to 7.65 million acres. The states participating in treatments currently are: Arkansas, Louisiana, Mississippi, Tennessee, New Mexico, Oklahoma, and Texas.

By 2001 another 2 million acres will begin eradication, and at the same time, eradication will be completed on about 1 million acres. Thus the total acreage in active eradication in 2001 will increase to 8.8 million acres. The peak year for the high costs to the participants of the eradication program will be in 2001.

Initially the BWEP operated on a 70/30 cost-share basis with the growers providing 70 percent through a pre-acre self-assessment approved by referendum and 30 percent provided through annual federal appropriations. Programs in Virginia, North Carolina, South Carolina, Georgia, Arizona and portions of Alabama and Florida were completed with a 70/30 cost-share. As participating acreage rapidly expanded across the cotton belt, the federal cost-share declined from 30 percent to about 4 percent in fiscal year 2000.

With the problems American agriculture is still facing with low commodity prices, droughts, and flooding, the burden of this program at a cost-share rate of 96/4 is jeopardizing the participation in the Boll Weevil Eradication Program nationwide.

This amendment, which I am offering today to the Fiscal Year 2001 Agricultural Appropriations bill, increases the Animal, Plant and Health Inspection Service's salaries and expenses by \$59,400,000. This amendment includes an emergency declaration which requires the President to request the full amount before the monies are appropriated.

This additional appropriation will enable APHIS to increase federal funding for is to increase the Boll Weevil Eradication Program by \$59,400,000 for 2000. This amount is needed to provide a thirty percent cost-share to farmers participating in the program. With this appropriation, farmers will be able to fully participate in the eradication program without putting another financial strain on their farm income.

AMENDMENT NO. 3971

(Purpose: To provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund)

At the appropriate place in chapter 1 of title I of Division B, insert the following:

For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, \$2,500,000: *Provided*, That, these funds shall only be available if the

State of South Carolina provides an equal amount to the South Carolina Grain Dealers Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3972

(Purpose: To restrict the use of funds to provide certain conservation assistance and authorize a transfer of funds for the Wildlife Habitat Incentive Program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. (a). None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106-224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106-224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3973

(Purpose: To provide for assistance for emergency haying and feed operations in the State of Alabama)

In section 1107, after the first proviso insert "*Provided further*, That of the \$450,000,000 amount, the Secretary shall use not less than \$5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama."

AMENDMENT NO. 3974

(Purpose: To provide emergency funding to the Department of Agriculture's Rural Community Facilities program)

On page 40, line 17, after the period, insert the following:

"For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), \$50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the \$50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the \$50,000,000 is designated by Congress as an emergency requirement under section 251 (b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3975

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed \$450,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflatoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have in-

curred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3976

On page 85 after line 8 of Division B, as modified, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of \$7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, (Nos. 3457, 3933, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, and 3976), en bloc, were agreed to.

Mr. COCHRAN. I further ask consent that it not be in order in the Senate, for the remainder of the 106th Congress, to consider any bill or amendment that raises the level of emergency spending for agriculture above the level contained in this Agriculture appropriations bill as of the adoption of the above described amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator STEVENS for agreeing to this amendment. I realize that there are legitimate emergencies, but I remind my colleagues that in the last 2 years we have had \$16.6 billion of agricultural emergencies. This amendment does not guarantee that we are not going to have more. But it certainly strengthens the ability of those who want to draw the line and say that enough is enough.

So I support this agreement. I thank Senator STEVENS and Senator COCHRAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator STEVENS as well. I thank Senator COCHRAN and others who helped craft this agreement—Senator KOHL. Because the fact is, there are real disasters and real emergencies. In my State where, on June 12, 20 inches of rain fell in 36 hours, 1 week later 8 inches of rain fell in 6 hours. It gave us this headline in the biggest paper in our State: "Swamped." It says it all. A disaster of stunning proportions costing hundreds of millions of dollars in the major city of our State—1.7 million acres of land, of cropland, devastated. This is an emergency. It is a disaster. It must be addressed.

Through this amendment we will begin the process of healing. I thank all those who participated in this agreement.

I do want to answer the Senator from Texas when he says we have had \$14 billion of emergencies in the last 2 years. The underlying reason is a failure—

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair, and I thank very much my colleague from West Virginia.

The reason we have had to have substantial emergency spending is because of the failure of the last farm bill. The last farm bill represents unilateral disarmament. While our major competitors, the Europeans, are spending \$50

billion a year to support their producers, we, on average, were spending \$10 billion under the previous farm bill. We cut it in half on the notion that the Europeans would follow our good example.

What a foolish tactic. We would never do that in a military confrontation, engage in unilateral disarmament. But it is precisely what we did with respect to a trade confrontation.

Agriculture has been in deep trouble and we have responded. Congress, the administration, and we thank our colleagues, for that response. But now we have been hit by unprecedented natural disasters.

The PRESIDING OFFICER. The Senator will suspend. I want to get the Senate back to order.

I ask colleagues take conversations off the floor and take them to the Cloakroom. Please take your conversations to the Cloakroom.

The Senator from North Dakota is recognized.

Mr. CONRAD. Again, I thank the courtesy of the Chair.

We have been hit by unprecedented natural disasters. This body has been generous in responding, whether it was in North Dakota or New Mexico. I just hope we do not ever lose that generosity of spirit in this country because none of us can predict who might be hit next.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRAMM for working on this with me and the distinguished chairman of the Agriculture Committee and all those who helped put an agreement together, including TED STEVENS, Senator STEVENS, and those who helped him. I really believe the discussion tonight was a very good one. Whether or not it means anything in the weeks and months to come, who knows? But, frankly, I am fully aware in that list there are some items that are really natural disasters, or disasters of one sort or another that we would compensate for. I just believe that at some point or another in the field of agriculture, and on the agricultural bill, at some point in time adding emergencies has to kind of end. I submit there would be more than this if it would be 2 weeks from now when the agricultural bill came up.

That is my point. I really have a lot of faith and confidence in THAD COCHRAN and his minority ranking member. But I frankly believe sooner or later we ought to just face up and add to the budget and not continue to add emergencies when they are not emergencies. And certainly many of them were. I did not have a chance to look at it thoroughly.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I regret to tell my friend from Texas—I have told him informally, but I will tell him formally now—we have a staggering disaster going on in Alaska right now. It is the total collapse of the fish runs in the Yukon and Kuskokwim Rivers that sustain a substantial number of our native villages. If this is not in this bill now, it might come in in conference, but it is going to come up sometime before this year is out. I just want to put the Senate on notice. I was talking here about the agriculture items that are in this bill now. But I do not feel bound not to represent my State later, in terms of trying to protect these people who live in rural Alaska.

I talked today to James Lee Witt who is the Federal Emergency Management Agency Director. He told me the President had asked him to work with all existing agencies to try to find out what could be done under existing law and with existing funds to deal with a disaster that is taking place as we speak. We will not know, probably, until we come back in September, what will be required. But we do expect to have some substantial problems with this disaster within the coming 5 or 6 weeks.

I hope my friend understands what I am saying to him. In this agreement we just made, that, to me, does not include the fisheries disaster that is going on now in Alaska.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I want to thank Senators COCHRAN and KOHL for staying with this issue for those of us who represent States with true disasters, true emergencies, that were not represented in the bill as it came to the Senate. We have had the worst outbreak of fire blight in our apple industry in the history of the State of Michigan. Our Governor has requested that Secretary of Agriculture Glickman grant a disaster designation for seven counties in Michigan that have been afflicted by fire blight.

I ask unanimous consent that this request be printed in the RECORD along with two newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 30, 2000.

GOVERNOR REQUESTS DISASTER DESIGNATION
FOR FRUIT GROWERS IN SOUTH AND SOUTHWEST MICHIGAN

Governor John Engler announced today that he has requested a United States Department of Agriculture Disaster Designation for fruit growers in South and Southeast Michigan.

Fruit trees in that region suffered from a very severe storm that brought hail, high winds and heavy rain on May 18.

That severe weather caused small wounds and scars on the leaves, limbs, and fruit of apple, cherry, apricot, plum, pear and peach

trees. In the case of apples and pears, these wounds allowed the bacteria known as fire blight to enter the tree. This bacteria quickly infects the limbs, killing the leaves and fruit, eventually making its way into the roots, killing the entire tree.

It is estimated that over 2,000 acres of apple trees in the counties of Allegan, Berrien, Branch, Cass, Hillsdale, Kalamazoo and Van Buren are dead or dying, with another 5,400 acres showing severe symptoms of this insidious disease. This is the area to be covered by Governor Engler's disaster designation request.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 29, 2000.

Hon. DAN GLICKMAN,
Secretary of Agriculture, Administration Building, Washington, DC.

DEAR SECRETARY GLICKMAN: A natural disaster has occurred in Michigan that will result in production and physical losses in fruit crops and fruit trees for the year 2000. Consistent with USDA policy, I am hereby alerting you within the required 90 day time period that such a condition exists.

The month of May was wet and humid throughout Southwest Michigan. More than five inches of rain fell in May alone and 15 days in May saw relative humidity above 80%. On top of this weather, a severe thunderstorm hit the area on May 18, 2000, bringing high winds very heavy rain, and hail. This storm caused severe damage to fruit trees and the fruit crop in the region. This damage was exacerbated when a bacterium, fire blight, took hold in apple and pear trees. This fire blight infection was directly related to the May 18, 2000, storm inasmuch as the hard rain and hail scarred and wounded the leaves, limbs and fruit of apple and pear trees, creating an avenue for the fire blight disease to enter the trees.

The following counties were affected: Allegan, Berrien, Branch, Cass, Hillsdale, Kalamazoo, Van Buren.

This disaster affected apples, sweet and tart cherries, apricots, plums, pears and peaches. Only apples and pears were affected by the resulting fire blight.

Damage assessment information will be forwarded to your office by the Michigan Farm Service Agency as soon as it is available. Thank you for your attention to this matter.

Sincerely,

JOHN ENGLER,
Governor.

Mr. LEVIN. We are always the No. 2 or No. 3 state in terms of apple production. Every year we vie with New York for who comes in second after the State of Washington. But our apple industry has suffered major devastation in southwestern Michigan. We have had the largest problem with fire blight in the history of our State. It is a true disaster. It seems to me some people just look at the whole and ignore the parts. They also have a responsibility of looking at the parts. Our part was a disaster which we addressed in the form of an amendment providing relief on June 19. Senator COLLINS and 12 bipartisan cosponsors joined this amendment. I thank them very much for their assistance. We cover potatoes as well as apples because there has been an honest to goodness disaster emergency amongst potato growers as well.

I once again, thank the managers of this bill. I know how difficult this is. Those of us who represent States that had emergencies that were not reflected in the bill, as it came to the Senate, counted on the managers and our colleagues to do justice for our emergencies in the same way this bill, as it came to the Senate, addressed emergencies in other States.

We are deeply grateful to the managers. We thank Senator STEVENS and others who were able to work out this agreement so our true disaster could be taken care of.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi and the Senator from Wisconsin, and others, including the Senator from Alaska and my colleagues who have agreed to a compromise.

The history of disaster aid in this Congress is well over a century old. This is not a new issue. For well over a century, Congress has dealt with the issue of disasters that have occurred in some parts of this country.

I am proud of supporting disaster aid for areas of this country that suffer earthquakes, hurricanes, fires, floods, and tornadoes. In the case of the fires that recently ravaged and injured so many people and their property in New Mexico, I am proud to say that I wanted us to help them, and we did. I am proud to say I helped the folks in Los Angeles who were flattened by earthquakes, and the folks in Texas who have been injured by drought.

It is one of those areas of public spending where I say it is the best this country has to offer. When a region of this country, when its people are flat on their backs from causes that they could not control, this Congress extends its hand and says to them: You are not alone. We want to help you. We have a long tradition of doing that, and I am proud of that tradition.

In North Dakota, as my colleague indicated, late one night in June, several thunderstorms converged together and then did not move. In a State that gets 17 inches of rainfall in a year, in one spot they received 18 to 20 inches in 36 hours. Think of that. About a week and a half later, the Red River Valley, land that is dead flat, flat as a table top, received 8 inches of rain in 6 hours. They were flooded. Up to 1.7 million acres of farmland that people planted in the spring with the sweat of their brow and risked their money to plant were either destroyed or severely damaged.

We ask Congress to recognize that this, too, is a natural disaster for those producers and people who live in those areas. That is what this is about. None of us in this Chamber should ever be bashful about saying there are people in need in this country, and when that need exists because of causes they did not control or could not control—fires,

hurricanes, earthquakes, floods—then we should respond.

It represents the very best impulse, in my judgment, of this body. That is what this debate is about. From our standpoint, it is especially about family farmers. As I said earlier today, they are some of the best in this country. They risk their money. They hope for a good crop. So many things are beyond their control. Then they discover that late one night a hailstorm comes through, and the crops are devastated; or a flood inundates their crops; or a drought dries them up; or the insects come and eat them out; or disease comes and their crop is gone. That is what this is about.

Mr. President, those tonight who worked for a solution to add some emergency funding to this piece of legislation have done those in need in this country a service. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are getting to a point where we are winding down on this bill. We have several more amendments, probably less than five. Some of those will be disposed of with the managers' good work. I think we should take a few minutes to see where we are. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 3980

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. BOXER, and Mr. HARKIN, proposes an amendment numbered 3980.

The PRESIDING OFFICER. Is there objection to the consideration of this amendment, which is not on the unanimous consent—

Mr. LOTT. Reserving the right to object, and I will not object, I know a lot of Senators on both sides are wondering about the proceedings at this time. I understand there are at least a couple of amendments that may take a few minutes. And then, of course, we are not sure at this point whether they would require a recorded vote or not, and then final passage.

We still hope to get an agreement that would allow us to go to the marriage penalty tonight, and have an hour of debate on that, and then continue on that tomorrow. And beyond that, we will have to get an agreement worked out.

I urge my colleagues to, if they will, agree to time limits and cooperate

with the managers as much as they can. We need to finish this bill in the next 30 minutes, if we can, and get an agreement on how we proceed for the rest of tonight, tomorrow, and Monday.

So I withdraw my reservation. And I thank Senator DURBIN for allowing me to do that at this point.

The PRESIDING OFFICER. Without objection, the amendment is in order.

The amendment is as follows:

(Purpose: To clarify the effect of the provision prohibiting amendment of part 3809 of title 43, Code of Federal Regulations)

In section 3102, after the first sentence insert the following: "This section does not limit the authority of the Secretary to promulgate final rules, or to revise or amend subpart 3809 of title 43, Code of Federal Regulations, so as to require full financial assurance of reclamation of mining sites to protect the taxpayers from the actions of hardrock mining operations that cause damage to or destruction of public land; to prevent environmental destruction that unduly threatens fish or wildlife habitat; and to prevent pollution that threatens public health or the environment."

Mr. DURBIN. Mr. President, section 3102 of the Agriculture appropriations bill does not address the production of food and fiber in America. It does not address any jurisdiction of the Department of Agriculture. It is a provision which has been added to this bill which relates directly to hard rock mining in the United States, which is under the jurisdiction of the Department of the Interior.

I might say, parenthetically, I found it very interesting listening to this debate on the Ag appropriations bill, and considering some of the comments that have been made on the Senate floor in the past year about limiting the subject matter of amendments and the substance of legislation.

If we can consider an Amtrak amendment on the Ag appropriations bill, and if we can consider an amendment on hard rock mining on the Ag appropriations bill, then those who come before us and say we have to have purity in the amendments we are offering and considering on the bill should remember this particular debate.

I was surprised to find that a point of order on a motion to strike, based on that point of order, would not stand because of what I consider to be a very thin connection to some language in the House appropriations bill. But the Parliamentarian advised me of that. I understand that is going to be the rule of the day around here. I suppose that is what we will play by. I am sure each side will find an advantage and disadvantage associated with that interpretation.

Allow me to address the amendment before us, and to try to do it in a very concise way, knowing that everyone has waited a long time. I have waited for 8½ hours to offer this amendment.

Let me say at the outset, we are dealing with the hard rock mining industry. An effort is being made, with

the language in this Agriculture appropriations bill, to stop the Department of the Interior from issuing new regulations to make sure that this industry follows the best practices to protect the taxpayers of this country and the environment.

To put it in perspective, just this May the Environmental Protection Agency released its Toxics Release Inventory report. It identified the hard rock mining industry in the United States as our Nation's largest toxic polluter.

The mining industry released 3.5 billion pounds of toxic pollution in 1998. I will repeat that. The mining industry released 3.5 billion pounds of toxic pollution in 1998. Almost half of all of the toxic pollution in America comes from this industry, which is being protected by this amendment in the Agriculture appropriations bill.

The U.S. Bureau of Mines has identified 12,000 miles of American streams and 180,000 acres of American lakes polluted by mining. The EPA has listed 27 hard rock mines as Superfund sites. It is time for us to update the 19-year-old regulations that protect public lands managed by the BLM from the environmental impact of hard rock mining.

These regulations, commonly referred to as 3809 regulations, help the BLM comply with Federal land policy. They direct the Secretary of the Interior to "take any action necessary to prevent unnecessary or undue degradation on the federal lands."

Since these regulations were first promulgated in 1981, the whole hard rock mining industry has changed in America. New technologies have allowed the industry to expand tenfold. New exploration techniques have resulted in capabilities unknown 20 years ago. Larger excavation equipment allows ores to be mined from larger and deeper pits and has made open-pit mining feasible in areas where it would not have been feasible before.

Just as the mining industry has modernized, so too should the regulations that protect the environment and the taxpayers. Those who would put this amendment in this bill are stopping the modernization of those regulations designed to protect public lands, the environment, and the taxpayers.

As I explain one aspect of this, you will understand that the provision in this particular section of the Ag bill will result in literally hundreds of millions of dollars, if not billions of dollars, of liability to the taxpayers of today and tomorrow.

The need to update these regulations has been recognized a long time. The BLM established a task force in 1989 to look them over. President Bush expected it to be done in short order, and it still has not happened.

There has been a steady stream of reports. This is, as best we can tell—this rider introduced by Senators MUR-

KOWSKI and CRAIG—the fifth attempt in 4 years to block the Department of the Interior from implementing stronger environmental regulations on hard rock mining.

Last year, there was a compromise. The compromise said we are not just going to give this assignment to the Department of Interior. We are going to give it to a group, the National Research Council, that is associated with the National Academy of Sciences and ask them to come up with recommendations for new regulations on this industry to protect the environment. In fact, what this particular rider does, this environmental rider on this Ag bill, is to stop the implementation of most of the recommendations that came forward from the National Research Council.

Let me tell the Senate why we need stronger regulations. First, any group that starts to mine on these public lands usually has to post a bond. It is a financial assurance that their activities on these lands will not in any way destroy the environment, and that ultimately the land will be reclaimed and the stabilization and vegetation of the land will be restored. Sadly, in many instances, these hard rock mining companies will post bonds that are literally worthless, corporate bonds, for example, and when the company goes bankrupt, they are of no value or little value at all. I will give a few examples a little later on of where these bonds have failed us and we have found the taxpayers holding the bag.

Reclamation bonds are meant to ensure that companies do not declare bankruptcy and leave taxpayers responsible for the cleanup bill. The current bonding requirements don't work. In example after example, in Idaho, in Montana, in South Dakota, we find that these companies have gone bankrupt, the bonds don't cover the expenses, and the taxpayers end up holding the bag. The recommendation from the National Research Council, which I hold here, was that we change that assurance, that financial assurance to protect the taxpayers. This environmental rider stops that reform. It makes certain that the taxpayers don't have that protection.

A recent study by the National Wildlife Federation and the Center for Science and Public Participation found that American taxpayers are facing as much as \$1.1 billion in liability for restoring hard rock mines in the Western U.S. because current reclamation bonding regulations are inadequate. In Nevada alone, as of 1999, 13 mines have gone bankrupt. As of May 2000, at least 29 mines are bankrupt. Most of these mines were bonded by corporate guarantees. Just one single mine, the Yerington mine, could cost American taxpayers up to \$40 to \$80 million to clean up. The effort to put real bonding requirements in the law to protect the

taxpayers and the environment will be stopped by this environmental rider.

Also, there is a question of environmental performance standards. These standards have to be adjusted to reflect modern mining practices. Let me give an example. One technique that is now being used, heap leaching, is increasingly common. Millions of tons of ore are extracted and piled in heaps on lined pads often hundreds of feet high. This post illustrates what I am discussing. To give Senators an idea of what we are talking about, this is a hard rock mining site. To put it in perspective, we can barely see this tiny dot down here, a large over-the-road truck, to give an idea of the heaps of ore. Under the heap leaching process, a cyanide solution for gold or silver or sulfuric acid for copper is sprayed in open air over the pile so that ultimately it will leach the mineral from the ore. As I said earlier, it is this use of cyanide and sulfuric acid that has led to hard rock mining being the No. 1 toxic polluter in the United States of America.

The mining industry has released 3.5 billion pounds of toxic pollution in 1998. In addition, we have to say that many of these agencies, like BLM and the Forest Service, need to have the right to deny mining in highly sensitive areas, particularly areas that are adjacent to national forests, national parks, and populated areas where they can cause great damage.

Let me tell my colleagues about one particular mine as an example, the Zortman-Landusky mine in Montana. The Zortman-Landusky mine is located in the Little Rocky Mountains of north central Montana. ZL is an open-pit mine, one of the world's first large-scale cyanide heap leach gold mines and the largest gold mine in Montana when operations began in 1979. Lack of standards on pad construction allowed the company to overload its leach pads leading to cyanide releases in the nearby streams and potential health problems for the local communities. The Canadian Pacific company, Pegasus Gold, Incorporated, that owned the mine, went bankrupt in 1998. It left a bond to protect the damage it had created in the amount of \$61.9 million. The actual cleanup cost for this site is estimated at approximately \$70 million, leaving nearly \$8.6 million to be picked up by the taxpayers.

I would like to read for you for a moment a comment not from an environmental group, not from some eastern group of tree huggers, if you will, but from the Daily Missoulian. This is an editorial, Sunday, August 29, 1999, Missoula, MT. Referring to this particular mine, in their editorial entitled "Miners Offer Regulators Some Hard Lessons from Montana"—my friends, the Western States where these mines are located:

Pegasus' bankruptcy has been an eye-opening experience for State regulators. Among the lessons learned:

It's a mistake to assume the companies that develop mines will stay around—or even exist—when it comes time to clean the mines up.

Reclamation plans that presume miners will reclaim their own mines understate the actual cost when miners go out of business or skip out. Everything becomes more expensive when the state has to hire contractors for the work.

The third lesson directly impacts the environmental rider which we are considering on this bill:

Reclamation bonds required to insure cleanup may not be worth as much as expected. At least some of the insurance companies that issue reclamation bonds would rather fight than pay, forcing the state to rack up legal expenses or accept lesser settlements.

It goes on to say:

Look hard around the state [of Montana], and you won't find a single example of a large-scale hard-rock mine successfully reclaimed.

Taxpayers and the environment aren't the only losers when the reclamation plants go awry. Miners haven't done their industry any favors, either. Mining is controversial enough, even when people focus on jobs and profits. Leaving citizens in the State with big messes and big bills to pay after the mines play out is a good way to wear out your welcome.

Incidentally, in this same Missoula, MT, editorial, they go on to praise the coal mining in the State which has modernized its practices and is considered more responsible by these editorial writers.

Because the hour is late, I will not go through the five or six examples that I have of mines in Idaho, in South Dakota, which have literally been abandoned because of bankruptcy, leaving the taxpayers holding the bag for millions, almost \$1 billion in liability.

This environmental rider stops the Department from coming up with meaningful bonds. Quite honestly, it means that those who exploit public lands and leave an environmental mess behind and threats to the public health frankly make a fool out of Uncle Sam and American taxpayers. That is what this environmental rider does.

I say to my colleagues in the Senate, as I close, what I am offering in this amendment is as follows: We should give the Bureau of Land Management and the Department of the Interior the authority to promulgate rules which will require full financial assurance of reclamation of mining sites. I state specifically the goals that we are seeking: To protect the taxpayers from the actions of hard rock mining operations that cause damage to or destruction of public lands, to prevent environmental destruction that unduly threatens fish or wildlife habitat, and to prevent toxic pollution that threatens public health or the environment.

Mr. JOHNSON. Will the Senator respond to a question?

Mr. DURBIN. I am happy to respond.

Mr. JOHNSON. I represent a western gold mining State. I have just returned recently from examining the Brohm site in the beautiful Black Hills of South Dakota where the Brohm Mining Company has gone bankrupt with approximately a \$5 million bond. That site has now been declared a Superfund site. It is now going to cost the Federal taxpayers approximately \$27 million because of the inadequacy of the bond at this site. It is going to cost the taxpayers of the State of South Dakota in perpetuity tens of millions of dollars to monitor the streams and the environment around that bankrupt site.

Is the Senator telling us that without the amendment he is offering here, we will continue to see these inadequate bonds and these costs being shifted to the taxpayers to pick up the cost of mining companies—oftentimes foreign mining companies—that have spoiled our land and then walk on?

Mr. DURBIN. The Senator from South Dakota is absolutely correct. I think it is important that a Senator from a State where this mining is taking place has come to share this story. This is not just testimony presented by environmental groups. These are the real-life circumstances of people in Western States, where the mining is taking place, who are left with a mess when the mines go bankrupt.

This environmental rider stops us from revising and reforming the financial assurance language and requiring bonds of companies that literally will protect the communities and the taxpayers and families around these mining sites. That is what it is all about. That is the bottom line.

Mr. President, I thank my colleagues in the Senate. I have waited for a long time to offer this. I will not belabor it. I hope they will join me in passing this amendment, which will establish standards which I think are reasonable to make sure this industry can continue but only in a responsible way.

I yield the floor.

Mr. KERRY. Mr. President, I support the amendment offered by Mr. DURBIN to amend Section 3102 of the Agriculture Appropriation bill.

Section 3102 is the latest edition in a series of riders that have prevented the Clinton Administration from reforming hardrock mining on public lands by putting in place sound environmental and fiscal protections. In past debates, proponents of these riders have argued that the hardrock mining industry has reformed its ways. They acknowledge that mining companies have made mistakes in the past. How could they not? The facts are overwhelming: More than 300,000 acres of federal lands have not been reclaimed. There are more than 2,000 abandoned mines in national parks. There are 59 Superfund sites at former mines across the country. The Mineral Policy Center estimates that

the cleanup costs for abandoned mines on public and private lands may reach \$72 billion. But after acknowledging this legacy of environmental damage, the proponents of these riders argue it is the result of decisions made 50 or 60 years ago—before we knew better—before we understood that there are limits to what the environment can withstand. They tell us that a new environmental consciousness, sensitivity and awareness have taken root in the industry, and today's mines are safe because they utilize modern technology and practices.

This is an important point, Mr. President. It deserves a response. I'm not out to punish the mining industry for mistakes of the past. I recognize that the mining industry has made improvements and that not all mining operations result in environmental disaster. The March 2000 National Geographic has an excellent article on the hardrock mining industry. It discusses the history of the mining in the West, its cultural heritage, its economic contribution, and its unfortunate legacy of environmental ruin. It also talks about some of the new efforts underway to lessen mining's impact on the environment. It describes Homestake Mining Company's McLaughlin gold mine near Lower Lake, California as a safe mine. The McLaughlin operation recycles and contains all processed water, the 600-acre tailings pond will eventually be converted into wetlands, and a monitoring system watches for contamination of ground water. Sierra Club and the Mineral Policy Center—two groups sharply and appropriately critical of mining operations—have praised this operation. Homestake's environmental manager at the site told National Geographic that, "When you look at the total environmental cost, it's roughly 2 percent of our capital costs for the whole project. We want to protect the our stockholders' investment. Creating an environmental liability doesn't serve their interests or ours."

I am confident that McLaughlin is not the only operation that is working and caring for the land, but it's just not true to say that the entire industry is reformed. There are bad actors and mistakes happen, and that is why we need tougher standards.

I urge my colleagues to look at the record of the Hecla Mining Company's Grouse Creek Mine in the Salmon-Challis National Forest in Idaho. The Grouse Creek Mine opened in 1994 with great expectations. It was precisely the kind of operation we've heard about on the Senate floor: a new mine operated under a new environmental ethic, and presumably an example of why we don't need tougher protections. In August 1995, Mr. Michael White, the Vice President and General Counsel of the Hecla Mining Company, testified before the Senate that, "The Grouse Creek Mine is a state-of-the-art facility and

has been constructed not only to meet, but to exceed, existing environmental requirements." Mr. White continued, "For example, road improvements that included sediment catch basins actually reduced sediment impact to Jordan Creek compared to preexisting conditions." Let me be clear: Mr. White promised us a state-of-the-art facility that would exceed existing environmental requirements, and he went even further to promise that the Grouse Creek Mine would actually improve the environment by reducing the sediment runoff into Jordan Creek. Hecla's chairman, Arthur Brown, said in 1995 of Grouse Creek that, "Minimizing the environmental impact is a strong focus of Hecla." A Hecla company spokeswoman said in 1995, "We believe that we need to take care of the land we are using; it's just good stewardship." The former Governor of Idaho, Cecil Andrus added his praise, saying "Hecla has met every requirement we've asked of them. I can show you a thousand sins of the past that we need to clean up but modern mining is a plus." And the accolades continued: The Idaho Department of Lands nominated the mine for an award, and Hecla employees were honored by the US Department of Agriculture for their environmental work.

It is now only 6 years latter, and Grouse Creek is an environmental disaster. In 1996—only two years after the mine opened—the Environmental Protection Agency fined Hecla \$85,000 for violating its wastewater permit. EPA found cyanide and mercury discharges that exceeded their limits by more than five times the allowed levels for over a year, and the mine was cited for excessive sediment discharge into Jordan Creek. In April 1999, Idaho officials found cyanide leaking into a stream that is habitat for the endangered chinook salmon, steelhead trout and bull trout. The cyanide levels were more than 12 times the concentrations at which chronic exposure harms fish. The environmental legacy of the now-closed mine is a tailings impoundment holding 450 million gallons of cyanide-laced water and 4.3 million tons of heavy metals. Can you imagine? The General Counsel of Hecla, Michael Smith, actually testified before the Senate in 1995 that the mine would actually improve the environmental quality of Jordan Creek. Within less than five years the operation was cited for loading Jordan Creek with excessive sediments and cyanide. The fiscal legacy is just as bad. A May editorial in the Idaho Falls Post Register reports that Hecla may walk away from the environmental mess it has created if the cost of cleanup exceeds \$28 million. Before opening the mine, Hecla was only required to put up a bond of \$7 million, and the company reported \$120 million in losses before closing the mine. Maybe Hecla will reclaim the

land, maybe it won't—it's too early to judge that issue—but clearly a system that allows part of a national forest to be turned into a toxic waste site, and leaves us negotiating cleanup, is in need of reform. And, Mr. President, more importantly, this didn't happen 50 years ago or 60 years ago. It happen 6 years ago.

Grouse Creek isn't the only unfortunate example of the "modern" mining industry's environmental troubles. The Phelps Dodge Mining Corporation's Chino copper mine near Santa Rita, New Mexico has dumped more than 180 million gallons of contaminated wastewater into Whitewater Creek since 1987. In 1990, rainwater flushed 324,000 gallons of wastewater out of the Ray Complex mine site and into the Gila River in Arizona. Shortly after opening in 1986 the Summitville gold mine in southern Colorado began leaking cyanide, acid and heavy metals into 17 miles of the Alamosa River. Its owner is now bankrupt, the mine closed and the land has been declared a Superfund site.

We need reform. Today's debate is not about sins of the past or punishing the mining industry. It is about ending a system that sells public land for as little as \$2.50 per acre. A system that has allowed more than \$240 billion worth of minerals to be excavated from public lands and does not collect a cent in royalties. A system that, despite all the excuses and promises, continues to allow the land to be damaged. We should not have to depend on the goodwill of the mining industry to protect public land—the rules should be clear, they should be strong and they should be enforced. American citizens should not carry the burden of fiscal and environmental irresponsibility.

I thank Senator DURBIN for moving to amend the hardrock mining rider. I urge other my colleagues to support the amendment.

Mr. GRAMM. Mr. President, under rule XVI of the Senate, this is legislation on an appropriations bill. I raise a point of order against it.

Mr. DURBIN. Mr. President, I raise the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Chair submits to the Senate the question, Is the amendment germane?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 56, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—36

Akaka	Graham	Reed
Bayh	Gregg	Robb
Biden	Harkin	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Johnson	Sarbanes
Collins	Kohl	Schumer
Dodd	Landrieu	Snowe
Durbin	Lautenberg	Specter
Edwards	Leahy	Torricelli
Feingold	Levin	Voinovich
Feinstein	Lieberman	Wellstone
Fitzgerald	Lincoln	Wyden

NAYS—56

Abraham	Domenici	McCain
Allard	Dorgan	McConnell
Ashcroft	Enzi	Mikulski
Baucus	Frist	Moynihan
Bennett	Gorton	Murkowski
Bingaman	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Hagel	Santorum
Bryan	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Stevens
Conrad	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
Daschle	Lugar	Warner
DeWine	Mack	

NOT VOTING—7

Boxer	Kennedy	Murray
Bunning	Kerrey	
Inouye	Kerry	

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 56. The judgment of the Senate is that the amendment is not germane. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have two amendments.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAUCUS. Mr. President, I have two amendments, one of which I am not going to offer.

I have an amendment which establishes the Trade Injury Compensation Act of 2000. This measure is identical to my bill, S. 2709, which enjoys wide bipartisan support by my fellow members of Senate Beef Caucus and has already been referred to the Senate Agriculture Committee.

The Trade Injury Compensation Act establishes a Beef Industry Compensation Trust Fund to help the United States cattle industry withstand the European Union's illegal ban on beef treated with hormones.

Over a year ago, the World Trade Organization endorsed retaliation when the EU refused to open to American

beef. Since that time, the EU has continued to stall in its compliance which is frankly, outrageous. For over a decade we've fought the beef battle. Now it's time to try something new to help producers who continue to be injured by the ban.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed on the EU to directly aid U.S. beef producers. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

Mr. President, my amendment creates a fund which provides assistance to United States beef producers to improve the quality of beef produced in the United States; and provides assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

The Secretary of the Treasury shall cease the transfer of funds equivalent to the duties on the beef retaliation list only when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market.

In a perfect world we would not need this amendment because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow.

We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

Mr. President, I realize that we still have work to do in perfecting this amendment. That is why I appreciate my colleague Senator LUGAR's commitment to allow an Agriculture Subcommittee hearing on this bill in September.

In light of that impending hearing, I will not offer the amendment at this time.

Time is of the essence for our producers who have been injured by the European Union. I look forward to this hearing and further expeditious action in this matter.

AMENDMENT NO. 3981

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3981.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to conduct a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, to evaluate alternatives to the authorized inlet stabilization project at Oregon Inlet)

Strike section 3104 and insert the following:

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, shall have conducted, and submitted to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

Mr. BAUCUS. Mr. President, this amendment has been agreed to by my good friend, the ever gracious senior Senator from North Carolina.

The amendment strikes the provision in the bill that transfers portions of the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge from the Department of the Interior to the Army Corps of Engineers. It also requires the Army Corps to conduct a study within 180 days of alternatives, including nonstructural alternatives, to the currently authorized inlet stabilization project at Oregon Inlet. This study would have to take into account objectives in addition to navigation, such as the policies of the State of North Carolina regarding construction of structural measures along the coast and minimizing adverse impacts to the national seashore and the wildlife refuge. Most importantly, the study would have to develop recommendations to meet those objectives. I hope this study will provide a sound basis on which Congress can resolve this issue.

I believe this amendment will be fair to the people of North Carolina and also to the American taxpayers.

The senior Senator from North Carolina has been very helpful in working out this amendment. I appreciate his efforts.

Mr. President, to reiterate, my amendment would replace section 3104 of the bill, which transfers land from the Interior Department of the Corps of Engineers in order to circumvent environmental rules and promote the construction of a system of jetties at Oregon Inlet in North Carolina.

Some background about the Oregon Inlet project.

At the outset, let me acknowledge the obvious. I'm no expert about Oregon Inlet.

Senator HELMS is. He has been working on this issue for at least 30 years.

I am simply trying to react to an appropriations rider by mustering the facts as well as I can.

Oregon Inlet is on the Outer Banks of North Carolina, near Roanoke Island. It is the only inlet between Cape Henry, Virginia, 45 miles to the north and Cape Hatteras, 85 miles to the south.

Like much of the Outer Banks, the Inlet is a dynamic ecosystem, with high waves, swift currents, and a rapidly shifting sandbar at the mouth of the Inlet.

Make no mistake. It is treacherous water. Between 1965 and 1995, more than 20 ships sank or ran aground, with the loss of 22 lives.

I should not, though, that all but one of the deaths occurred before the early 1980s, when the Corps began a dredging program.

In 1970, at the urging of Senator HELMS, Congress enacted legislation authorizing the Corps of Engineers to construct a jetty system at Oregon Inlet.

Specifically, the Corps was directed to deepen the navigation channel through the Inlet from 14 feet to 20 feet and to maintain that channel with two jetties.

It gets more complicated. And much has changed since 1970.

The jetties would prevent the natural flow of sand from north to south. That flow is what replenishes Pea Island, a national wildlife refuge which otherwise would erode.

To counteract this effect, the system includes a system of pipes and pumps that will transport 2 million cubic feet of sand each year.

All told the project will cost American taxpayers \$108 million to construct and about \$6 million a year to maintain. We all know it will cost more than that.

The project would be built on: The northern part, on the Cape Hatteras National Seashore; and the southern part on the Pea Island Wildlife Refuge.

Therefore, before the Corps can build the project, it must get permits from the Interior Department, confirming that the project will be compatible with the Seashore and the Refuge.

The provision that has been included in the Agriculture appropriations bill, as section 3104, effectively eliminates this permit requirement. It transfers the land from the Interior Department to the Corps, so that permits no longer are necessary.

Those are the basic facts.

Now, some of you listening may be scratching your head, wondering what's going on here. After all, the project was authorized in 1970. Thirty years later, it still hasn't been built. That, you might be thinking, is unacceptable. It's probably because of Government red tape.

Maybe it's high time we cut through all the red tape and move this project along, as the bill would do.

An understandable reaction, if you just look at this on the surface. But, as is often the case, if you dig a little deeper, and get past the surface, it's not that simple.

The principal reason that the project has not been built is that the project is very questionable and very controversial. Many have argued that the project will cause great environmental harm and waste more than one hundred million dollars of taxpayers' money.

Time after time, Interior Secretaries have refused to grant the necessary permits. Including I should note, President Reagan's Interior Secretary, James Watt.

The only exception was when Secretary Lujan granted a permit towards the end of the Bush Administration. Soon after taking office, Secretary Babbitt reversed the decision.

Also time after time, the environmental impact statements developed by the Corps have been found to be inadequate, and the Corps has been sent back to the drawing board.

As we speak, the process continues. The Corps has been asked to revise its latest Environmental Impact Statement, to address what the National Marine Fisheries Service called "significant errors and inadequacies."

As I understand it, the revised EIS will be submitted to Corps headquarters around the end of this month and issued in August.

After that, the Corps can move ahead and again seek permits from the Interior Department. If there is a dispute, it will be resolved by the White House.

Section 3104 of the bill circumvents this process by transferring the land and therefore eliminating the need for any permits.

Mr. President, I am sympathetic to the concerns of Senator HELMS and others who support this project. I know that they're frustrated that this project has drawn on too long.

But I believe that the approach taken in the bill has four main faults.

The first goes to process. The provision in the bill is, simply put, a rider. It is authorizing legislation, properly within the jurisdiction of the Environment and Public Works Committee.

This is a controversial issue; it has been debated, back and forth, for thirty years. It should be resolved on the merits, with input from the committee of jurisdiction. It should not be resolved as a rider on an unrelated appropriations bill.

The second fault is that the bill may cause serious environmental harm.

This is, again, a dynamic ecosystem. Always shifting. Always changing.

As this chart shows, there have been major changes in the geography of Oregon Inlet over the years. The Inlet itself has shifted south by about 80 feet a year, which amounts to more than two miles since the Inlet opened in 1848.

In the middle of this dynamic, shifting system, the project would construct a pair of rock jetties that are a total of more than 3 miles long.

That poses two big risks.

In the first place, we'll be altering the natural system by which the ocean erodes and then replenishes the barrier islands along the coast.

As it now stands, each year, tons of sand shift, mostly from north to south, replenishing Pea Island. The jetties will block most of that sand from shifting naturally. To compensate, the Corps plans to pump about 2 million cubic feet of sand each year, that will be trapped above the north jetty, through a large pipeline, and unload it below the south jetty.

Maybe it will work. But what if it doesn't?

Consider what happened on Assateague Island. 60 years ago, we constructed a jetty. It blocked the sand from replenishing the southern part of the island. Since then, the coastline has eroded about one-half mile.

Another thing. We'll alter the natural flow of water through what is now a broad, relatively shallow inlet leading to Albermarle and Pamlico Sounds. The Sounds contain important and productive habitats for several species of fish, including Spanish mackerel, Atlantic croaker, and gray trout.

These fish spawn at sea. The larval fish then migrate into the calm waters of the sounds where they grow until they're strong enough to return to the ocean.

It is not at all clear that these fish will be able to make it through the jetties. The fishery biologists just aren't sure.

So we are taking major environmental risks.

The third major fault is that the economics don't add up.

True, the Corps projects an economic benefit, of about \$37 million over a 50 year period.

However, as we all know, the Corps' economic analysis has come under heavy criticism lately.

In any event, many people have questioned the Corps' estimate of the cost and benefits of this project

I am not talking about environmental groups, which, it might be argued, have their own agenda.

I am talking about Taxpayers for Common Sense, and several distinguished economists who have studied the project.

For example, Professor Richard Seldon, who I understand is a distinguished professor emeritus at the University of Virginia, said this:

My extremely conservative analysis of the Corps' data found that rather than the almost \$37 million of net benefits claimed for the project by the Corps . . . this project will have negative benefits of [more than \$4 million]. In fact, I believe the project is very likely to have a much worse return on investment based on many costs thus far not accounted for by the Corps.

In a letter sent to Senator HELMS a few days ago, Professor Emeritus Seldon said.

I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

The fourth fault is that I believe there's a better way.

Let me say again that I understand the frustration that Senator HELMS and others in North Carolina feel about this project.

They have serious concerns. One is safety. Again, these are treacherous waters.

Another is economic development. As I understand it, this is an area that could use the economic boost that increased fish landings might provide.

I'm not going to stand here and say that environmental concerns should prevail over safety and economic development. Not a all.

I don't buy that, whether we're talking about Montana, North Carolina, or anyplace else. We have to strike a balance.

But here is the rub. There may be a better way.

We may be able to achieve all the benefits that would be achieved by constructing the jetties, and do it much more cheaply and without the environmental risks.

Here is how. By dredging a better channel.

We could direct the Corps to dredge the Inlet deeper and more often.

But there is a problem. In the most recent EIS the Corps has studied only one non-structural alternative. One that would have more than doubled this width of the channel. It's no surprise that the costs out-weighed the benefits. So, for at least 30 years, we haven't fully considered whether there's a better alternative to the jetty system.

In addition there are many more factors to consider—environmental, recreational, and so forth—then there were in 1970.

That brings me to my amendment.

It deletes the provision in the bill that transfers the land, thereby circumventing the permitting process.

Instead, the amendment requires that, within 180 days the Corps, must evaluate alternatives to the jetty project, including dredging.

In doing so, the Corps must consider the views of affected interests, must consider how various alternatives accord with North Carolina's shoreline protection laws, and must minimize adverse environmental effects.

Mr. President, pulling this all together, we need to do more to improve safety at Oregon Inlet.

But the jetty system that we authorized in 1970 is an idea whose time has probably gone.

We do not need 3 miles of granite rock jetties. We don't need 2 miles of pipeline, to pump 2 million cubic feet of sand every year.

We do not need huge environmental risks.

We don't need to ask taxpayers to fork over \$108 million.

Instead, we should step back, take stock, and see whether we can solve the problems at Oregon Inlet in a way that avoids big environmental risks and saves taxpayers' money.

Therefore, I urge colleagues to support my amendment.

I ask unanimous consent a statement of administration policy by the Executive Office of the President, Office of Management and Budget listing the Administration's strong objection to the underlying provision in the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 2536—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2001—(SPONSOR: STEVENS (R) AK)

This Statement of Administration Policy provides the Administration's views on the FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The President's FY 2001 budget is based on a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. An essential element of this approach is ensuring adequate funding for discretionary programs. To this end, the President has proposed discretionary spending limits at levels that we believe are necessary to serve the American people.

Unfortunately, the FY 2001 congressional budget resolution provides inadequate resources for discretionary investments. We need realistic levels of funding for critical

government functions that the American people expect their government to perform well, including education, national security, law enforcement, environmental protection, preservation of our global leadership, air safety, food safety, economic assistance for the less fortunate, research and technology, and the administration of Social Security and Medicare. Based on the inadequate budget resolution, this bill fails to address critical needs of the American people.

The bill includes inadequate funding for food safety, conservation and environmental programs, farm loans, bioterrorism, agricultural research through competitive grants and other important programs. In addition, there are a number of objectionable language provisions in the Committee bill.

It is our understanding that a substitute will be offered to the supplemental title of the bill that will include a number of highly objectionable environmental and other riders, including a provision to facilitate construction of the Oregon Inlet jetties prior to completion of a pending environmental impact statement, restrictions that would attempt to weaken pending hardrock mining regulations, and other objectionable provisions. The Administration opposes the bill in its current form. If such riders are included in the bill, the President's senior advisers would recommend that he veto the bill.

FY 2000 SUPPLEMENTAL APPROPRIATIONS CONTAINED IN THIS BILL

Objectionable Legislative Riders—The Administration opposes the environmental and other authorization provisions contained in the bill, which are inappropriate for inclusion in an appropriations act. Such riders rarely receive the level of congressional and public review required of authorization language, and they often override existing environmental protections or impose unjustified micro-management restrictions on agency activities.

More detailed views will be provided when the text of the substitute is made available. Therefore, the views expressed here are necessarily preliminary.

Oregon Inlet (NC) Jetties.—The Administration strongly opposes the provision to remove lands from the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge, prior to completion of a pending environmental impact statement (EIS) on proposals to maintain navigation through Oregon Inlet, N.C. This rider would undermine the EIS process by selecting one option—the construction of a dual jetty and sand transfer system—before a decision on alternatives can be made. There remain significant questions about the long-term environmental impacts and the economic justifications of the dual jetty option, and those questions need to be answered before considering any legislation to remove land from a national park and a national wildlife refuge.

Restrictions on Hardrock Mining Regulations.—The Administration strongly objects to the bill's attempt to weaken pending final regulations on the management of hardrock mining on public lands. These overdue regulations are needed to address the major changes in technology and mining industry practices since the regulations were last updated in 1980. The proposed rider would also attempt to reopen an agreement reached in negotiations on the FY 2000 Interior and Related Agencies Appropriations bill to allow the final rule to go forward, as long as it was "not inconsistent" with the recommendations of a recent National Research Council (NRC) report. The rider would now attempt to limit the rule to only a specific subset of

the NRC report's recommendations. By doing so, the rider could hinder the effective regulation of industry practices (such as large-scale cyanide leaching for gold on public lands) that have become increasingly prevalent over the past 20 years.

Community Builders, Sec. 2602.—The Administration urges deletion of the highly objectionable, micro-management language in Section 2602, which would prohibit the Department of Housing and Urban Development from hiring replacement staff for 350 community builder positions.

* * * * *

Mr. BAUCUS. In addition, I ask that a letter from the organization Taxpayers For Common Sense be printed in the RECORD. It is very much opposed to the underlying provision and in favor of this amendment, as well as a statement by Dr. Seldon, a very respected economist who studied this issue extensively.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 20, 2000.

Re Baucus substitute amendment on Oregon Inlet

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Taxpayers for Common Sense Action thank you for your leadership in opposing the anti-taxpayer Oregon Inlet rider that Senator HELMS added to the Agriculture Appropriations bill. TCS Action strongly supports your substitute amendment to provide for an expedited Corps of Engineers/Interior Department study of cheaper alternatives. In addition, TCS supports commitment of a few million dollars for improved interim dredging. TCS Action will likely score the vote on this Baucus amendment on TCS Action's annual Common Sense Taxpayer Scorecard.

As you know, the Oregon Inlet rider would transfer federally-protected land from the Department of Interior to the Corps of Engineers, thereby removing one of he last remaining obstacles to construction of twin mile-long stone jetties at a cost of \$108 million. Anyone who has ever been to the Cape Hatteras National Seashore on North Carolina's famed Outer Banks understands intuitively that the Oregon Inlet project would be a massive waste of taxpayer money. Moreover, six major newspapers in North Carolina have editorialized against the project. Typically, the Raleigh (NC) News and Observer editorialized May 12:

"Decisions on the jetties properly have to be made on the merits of arguments for and against them, not because lawmakers have been intimidated by a tactic such as the one Helms is attempting. And on those merits, despite supporter' good intentions, the jetties shape up as an extraordinary boondoggle."

The anti-taxpayer rider is strongly opposed by a broad coalition. Meanwhile, a 1999 independent review of the Corps' benefit-cost analysis by Dr. Richard Seldon of the University of Virginia on behalf of the U.S. Fish and Wildlife Service demonstrated the project's benefits do not outweigh the costs. The project will provide a \$500,000 federal subsidy for each of 215 charter or commercial fishing boats that will purportedly benefit. Instead, routine channel dredging has worked for the last 30 years. Surely, it is reasonable to study all alternatives to the Oregon Inlet project before giving the green

light to this massive waste of taxpayer money opposed by the last five administrations.

Thank you again for your leadership to propose a reasonable compromise solution on this issue.

Sincerely,

RALPH DEGENNARO,
President & CEO.

JULY 16, 2000.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington,
DC.

DEAR SENATOR HELMS: I write you as a staunch Republican and a conservative economist who got his Ph.D. under Milton Friedman at the University of Chicago. I am definitely not a "tree hugger." I have never belonged to the Sierra Club or any other activist environmental group.

I am writing because I'm concerned about your support for the Corps of Engineers' proposal to build jetties at Oregon Inlet. I know you have declared yourself in favor of this project on many occasions, extending over many years, and I can see the practical difficulty of withdrawing your support at this juncture. Nevertheless, I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

You may wonder whether there is a valid basis for my strong negative opinion of the Corps' proposal. Last summer I did a benefit/cost analysis of the proposal as a private consultant hired by the U.S. Fish and Wildlife Service. (You may wonder about the objectivity of a study that was commissioned by an agency that opposes the jetties. All I can say is that I examined a ton of material on the proposal, and I tried to apply accepted economic analysis to all of it, regardless of the source.) My findings were clearcut and unambiguous: there is no way these jetties can pass a standard benefit/cost test.

You may also wonder whether my conclusions would be accepted by most other fair-minded economists. I would be glad to have my work scrutinized by a neutral panel (assuming one could be found!). But I can assure you with complete confidence that the benefit/cost analysis provided by the Corps is full of flaws and would be accepted as valid by few if any professional economists. This simply is not an appropriate basis for committing over \$100 million of taxpayer money! At the very least the Corps should be required to submit its analysis to some outside panel for a thorough critique before they get a green light on this one.

By US Postal Service I am mailing you a copy of my August 1999 report, and I will welcome reactions from you or your staff.

Sincerely,

RICHARD T. SELDEN, Ph.D.

Mr. BAUCUS. Finally, I underline my appreciation for the hard work of both Senators from North Carolina, Mr. HELMS, as well as Mr. EDWARDS. This has been a very contentious issue. But as a consequence of the mutual hard work, this amendment can be accepted by voice vote.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to deliver my remarks in a seated position.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am grateful for the willingness of the Senator from Montana to work with us, to make certain the stabilization of Oregon Inlet is once more a priority of Congress and of the U.S. Corps of Engineers—in the next 180 days.

I confess some unease at the prospect of yet another study of the Oregon Inlet, inasmuch as there already have been almost 100 such studies previously. If one more study is what is required to save the livelihoods of the good people of Oregon Inlet who make their livings as commercial fishermen, then so be it. But let there be no mistake. This is the last study that will be conducted before action is taken. That is agreed to by the Senator from Montana and me—to help those good people, because enough, Mr. President, is enough.

I will work in good faith with the Senator from Montana and others to make certain that swift action will follow this latest, and I hope last, study to be undertaken.

Mr. President, for nearly three decades—nearly 28 years, to be exact—I have been urging the enactment of legislation to restore security and safety to the remarkable people who live and work on North Carolinas Outer Banks.

And for those almost three decades, those fine people have been short-circuited by a federal bureaucracy more intent in imposing its own will than following through on a much-needed project authorized by Congress in 1970: That is, to begin the process of creating two hard-rock jetties to stabilize and secure Oregon Inlet, the only deep-sea access along the East Coast for a distance of 220 miles between Cape Henry, Virginia, and Morehead City, N.C.

The purpose of the provision being challenged here tonight is to first, protect the lives of literally thousands of both commercial and recreational fishermen who live and work in the Outer Banks, and second, to protect the livelihoods of those fishermen, their boats and their cargo, which is so vital to their making a living.

So let's be clear about what's at stake in this debate. We're talking about saving lives and saving a way of life for many of thousands of fine decent people trying to make a living providing fine, fresh seafood.

Wayne Gray, a Coast Guard officer stationed at the base there told me, "Oregon Inlet is a nightmare. In my 32 years in the Coast Guard, it's the most dangerous place I've ever seen."

The Coast Guard station there receives on average a distress call every other day. In this fiscal year alone, the Oregon Inlet Coast Guard has responded to nearly 100 call for help by distressed seamen. There will be many more this summer, I'll promise you: There always are.

Over the years, more than 20 lives have been lost because of the deadly situation in the Inlet. In fact, I recently received a letter from a man named Robbie Maharaj who recounted an incident which happened about 4 years ago.

In November of 1996 a friend and I were fishing on the northern side of the ocean bar at Oregon Inlet. It was a fairly rough day at the bar.

We had caught out limit of striped bass and were pulling in our lines when I heard on the radio that some of my friends had gone down. I immediately finished pulling up my lines and went to help.

As I pulled up to the boat, I was able to get one man aboard. We laid him on the deck. He was so cold from being in the water that he looked pale, and almost dead. As we got him on deck, water began to break over the stern of my boat. I had to leave the scene to avoid going down myself.

All in all, four of the five men in the water made it. I was able to get two in my boat. Other fishermen pulled out the two other survivors. The Coast Guard got the one man that didn't make it.

People ask me all the time whether I would do it again. There's no question that I would try and pull men out of the water if I were faced with the same situation again. It's sort of a buddy system out there. You hear cries for help and you can't leave them there. You've got to try to help. This is especially true when the people yelling for help are friends. Who knows, the next time it could be me yelling to be saved.

Thanks to the events of 1996, I know just how dangerous Oregon Inlet can be. Senator, thank you for trying to get the stabilization effort moving. We really need it.

The provision in question merely transfers the land relevant to the project from the Department of the Interior to the Army Corps of Engineers, so that the wheels of the inlet stabilization project can finally begin. This project is sound. Almost one hundred separate studies have been made on the project; therefore, we can reasonably say that just about every possible issue relevant to the project has been thoroughly considered and resolved.

On an economic scale, the project has a cost/benefit ratio of 1.0/1.6, meaning for every \$1 spent on the project, \$1.60 in benefits are returned.

As for the environmental concerns that have been raised, the Corps has made numerous compromises and alterations to the jetties in order to alleviate every single negative impact upon the local habitat and wildlife.

How many more lives will be lost before Congress makes good on the commitment made 30 years ago. That time has finally come.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to announce to all Senators we are only 2 or 3 minutes away from getting a managers' package of amendments to wrap up the final consideration of this bill. We also have some colloquies and statements that Senators have presented to us during the

final stages of the consideration of the bill we are now reviewing and processing. I expect to be able to present for unanimous consent agreement, for inclusion in the RECORD, these statements and colloquies.

We know of no other amendments that are to be offered.

May I ask the Chair, what is the pending business?

Mr. HARKIN. Mr. President, can we have a vote on the amendment, please?

The PRESIDING OFFICER. The amendment of the Senator from Montana has not yet been disposed of.

Mr. HARKIN. I thank the Chair.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3981) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, we have been awaiting word from the minority staff of the subcommittee to clear the managers' package. We have cleared the managers' package on this side of the aisle. We have statements and colloquies relating to the managers' package, and I will momentarily send up all of the amendments and the statements and colloquies related thereto.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COCHRAN. I will be happy to yield to the Senator.

Mr. BYRD. Mr. President, I wonder if we can have a voice vote on final passage.

Mr. COCHRAN. Mr. President, I have no objection to passing the bill on a voice vote.

AMENDMENTS NOS. 3982 THROUGH 4014, EN BLOC

Mr. President, I now have an indication that the managers' package has been cleared. I send the managers' package of amendments to the desk and ask that they be reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, proposes amendments numbered 3982 through 4014, en bloc.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3982

(Purpose: To provide for a Animal and Plant Health Services wildlife services methods development study)

On page 20, line 8, strike the "." and insert in lieu thereof the following:

"Provided further, That not less than \$1 million of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four states representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further*, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures."

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Smith-Boxer amendment on Wildlife Services was accepted to the Agriculture appropriations bill.

Our amendment will create a pilot study in four States that will examine the effectiveness of nonlethal predation control methods under Wildlife Services. Our amendment is reasonable and fair.

Let me briefly talk about the lethal predator control program administered under the Wildlife Service program.

With our scarce tax dollars, Wildlife Services personnel kill more than 80,000 mammalian predators a year, mainly coyotes, but also black bears, mountain lions, foxes, and bobcats.

They conduct this killing by engaging in aerial gunning, poisoning, and trapping.

Since 1993, there have been 18 aerial gunning crashes. In addition, the aerial gunning program has caused the deaths of seven individuals, both Federal and contract employees.

Banned in 89 nations because it is so inhumane, leghold traps catch any animal unlucky enough to trigger the device. Animals caught in traps languish and suffer for days, sometimes resorting to twisting off or chewing off a leg to escape its vice grip.

I am not standing before you today saying that every program that Wildlife Services executes is harmful or a waste of taxpayer money.

There are some valuable programs dealing with property protection, human health and safety, crop protection, natural resources, forest and range protection, and aquaculture which are not affected by this amendment.

However, Wildlife Services spends more than \$10 million a year on lethal predator control programs.

But does the lethal predator control program really work? It does not seem

to be controlling the coyote population, it has tripled in number and increased in range because the surviving coyotes will breed more often and produce larger litters.

In fact, according to a recent article in the Washington Times, coyotes have now spread to Virginia and Maryland.

In addition, this program has been under scrutiny for decades. Several presidential commissions, including commissions in the Kennedy, Johnson, and Carter administrations have criticized the program's needless reliance on lethal predator control.

In 1995, the General Accounting Office came to the same conclusion, stating the Animal Damage Control had failed to opt for non-lethal programs.

I am well aware that ranchers need to protect their livestock, their investment. During the last 2 decades, there have been a variety of practical and effective nonlethal husbandry techniques developed and put into practical use: The use of guard animals, such as dogs, donkeys, or llamas; the use of electronic sound and light devices; predator exclusion fencing; shed lambing; and night penning, et cetera.

By deploying these techniques, ranchers can minimize the need for lethal responses to predators, which are indiscriminant and cruel to animals.

In closing I would like to read you a quote from the Tulsa World newspaper, which says it all:

Despite steady increases in the Wildlife Services annual budget, and an 8 percent increase in the coyote kill in the past decade, livestock losses to predators have not declined. The statistics show that in every state where predator control was practiced, the agency spent more money on control than the value of livestock lost. It would be cheaper simply to compensate ranchers for their losses.

I will repeat that last sentence: "It would be cheaper simply to compensate ranchers for their losses."

In short, the lethal predator control program doesn't work, it is dangerous for humans, cruel to animals, and a waste of taxpayer dollars.

I thank the managers of the bill for including this pilot study of nonlethal predator control methods in the Agriculture appropriations bill.

Mrs. BOXER. Mr. President, I thank the managers for their assistance in adding an amendment to the Agriculture Appropriations bill that requires the U.S. Department of Agriculture's Wildlife Services Research Center to design and implement on-the-ground demonstration projects to test the application of non-lethal mammalian predator control techniques.

The purpose of this amendment is to generate data that can be used in determining the effectiveness of non-lethal methods for protecting livestock from predators. These nonlethal methods include: the use of guard animals such as dogs, donkeys, and llamas; the use of predator-proof electric fencing;

special light and sound deterrents; and promotion of sound animal husbandry techniques such as carcass removal, night penning, and shed lambing to protect pregnant animals and their newborns when they are most vulnerable.

Lethal predator control measures, such as shooting, poisoning, or trapping, should not be employed in these projects. In order to produce useful outcomes, the pilot projects should involve ranchers whose circumstances are representative of the types of livestock/predator conflicts that other ranchers experience around the country.

The General Accounting Office has been tasked with reporting on these pilot projects and providing an assessment of the effectiveness of these non-lethal mammalian predator control measures. I look forward to working with the Department, along with Senator SMITH and my other colleagues, to ensure that this program gets underway quickly and smoothly to begin demonstrating the value of these non-lethal predator control methods.

AMENDMENT NO. 3983

(Purpose: To amend the Organic Foods Production Act of 1990)

At the appropriate place in the bill, insert the following:

“SEC. . Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after sulfites, ‘except in the production of wine,’.”

AMENDMENT NO. 3984

(Purpose: To prohibit the use of appropriated funds to require offices of the Farm Services Agency to discontinue use of FINPACK for financial planning and credit analysis)

On page 75, after line 16 insert the following:

“SEC. . None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.”

AMENDMENT NO. 3985

(Purpose: Expands eligibility for Rural Development Community Facilities program)

On page 93 of division B, as modified, after line 21, insert the following:

“SEC. . Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.”

AMENDMENT NO. 3986

(Purpose: To provide funds for a study on flood plain management for the Pocasset River, Rhode Island)

On page 34, line 23, before the period at the end, insert the following: “: *Provided further*, That of the funds made available for watershed and flood prevention activities, \$500,000

shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island”.

AMENDMENT NO. 3987

(Purpose: To allocate funding made available by this Act for loans and grants to federally recognized Indian tribes under the rural community advance program under the Consolidated Farm and Rural Development Act)

On page 36, lines 20 through 25, Strike “including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under the Rural Community Advancement Program:” and insert “of which (1) \$1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) \$5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)), (3) \$15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to federally recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) \$3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)):”

AMENDMENT NO. 3988

(Purpose: To provide for a pasture recovery program)

On page 84, line 23, after “section”, insert the following: “: *Provided further*, That of the funds made available by this section, up to \$40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding”.

AMENDMENT NO. 3989

(Purpose: To prohibit the use of any funding to recover payments erroneously made to oyster fishermen in the State of Connecticut)

On page 95, after line 22, add the following new section:

SEC. . None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), and the regulations issued pursuant to such section 1102(b).

AMENDMENT NO. 3990

(Purpose: To provide support for creative anti-hunger initiatives in the USDA ranked number one hunger state)

On page 17, line 1 strike “; and” and insert “; and for the Oregon State University Agriculture Extension Service, \$176,000 for the Food Electronically and Effectively Distrib-

uted (FEED) website demonstration project; and”; line 8, strike “\$12,107,000” and insert “\$12,283,000” and strike “\$426,505,000” and insert “\$426,680,000”; on line 19, strike “\$43,541,000” and insert “\$43,365,000”; on line 25, strike “6,000,000” and insert “\$5,824,000”.

Mr. WYDEN. Mr. President, I thank Senator COCHRAN and Senator KOHL for accepting this important amendment to S. 2536, the Agriculture appropriations bill for fiscal year 2001.

According to the USDA, Oregon ranks first in hunger and seventh in food insecurity in the nation. This amendment will fund, at \$176,000, a demonstration project pairing technology and teamwork: The Food Electronically and Effectively Distributed FEED Website Demonstration Project.

As the only state in the nation with a statewide food bank system in place, the Oregon Food Bank, as well as an organized and active agricultural community, Oregon is prepared to develop and use the FEED website to provide a national model for other states interested in pursuing an organized statewide anti-hunger campaign.

Developed and used in conjunction with Oregon food producers, processors, distributors, transporters, and anti-hunger agents, as well as the UDA and state agriculture extension agents the FEED website will transform the current anti-hunger food distribution network by using the power of Internet technology to support and facilitate real-time communication links between those with food, those who need food and those who can transport food.

The FEED website will also provide a forum for sharing information about innovative anti-hunger efforts, both legislative and organizational, as well as links to other existing government, non-profit, and anti-hunger web sites to increase information sharing between active organizations and people in need.

AMENDMENT NO. 3991

(Purpose: To increase the Section 502 Guaranteed Rural Housing income limits)

At the appropriate place in the bill, insert the following:

“SEC. . Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).”

AMENDMENT NO. 3992

In Division B, strike section 1106 and insert the following new section:

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106-78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section

805 of Public Law 106-78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106-78: *Provided further*, That the Secretary shall make provisions for making payments, in addition, to new producers: *Provided further*, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106-78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106-78 subject to such limitations as apply to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

AMENDMENT NO. 3993

(Purpose: To authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters)

At the appropriate place in the bill, insert the following:

SEC. .—Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

"(3) LOANS TO POULTRY FARMERS.—

"(A) INABILITY TO OBTAIN INSURANCE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

"(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

"(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

"(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) meets the other requirements for the loan under this subtitle.

"(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

"(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

"(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken

house in accordance with current industry standards;

"(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

"(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) the farmer meets the other requirements for the loan under this subtitle.

"(i) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

"(I) the amount of the hazard insurance obtained by the farmer; and

"(II) the cost of rebuilding the chicken house in accordance with current industry standards."

AMENDMENT NO. 3994

(Purpose: To express the sense of the Senate regarding preference for assistance for victims of domestic violence)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

AMENDMENT NO. 3995

(Purpose: To allocate appropriated funds for early detection and treatment concerning childhood lead poisoning at sites participating in the special supplemental nutrition program for women, infants, and children)

On page 50, line 6, before the period, insert the following: "": *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

"(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program;

AMENDMENT NO. 3996

(Purpose: To increase funding for the Office of Generic Drugs in order to accelerate the review of generic drug applications)

On page 56, line 9, strike "\$313,143,000" and insert "\$315,143,000".

On page 57, line 2, strike "\$78,589,000" and insert "\$76,589,000".

AMENDMENT NO. 3997

(Purpose: To provide funds for the cleanup of methamphetamine labs by State and local law enforcement)

On page 96 the modified division B after line 2, insert the following:

DRUG ENFORCEMENT ADMINISTRATION
(DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE
FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, \$5,000,000 for the Drug Enforcement Agency to assist in State and

local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000):*Provided*, That the entire amount shall be available only to the extent an official budget request for \$5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3998

On page 4, line 12, before the period at the end of the line, insert "": *Provided*, That the Chief Financial Officer shall actively market cross-serving activities of the National Finance Center".

AMENDMENT NO. 3999

(Purpose: To fund biomass-based energy research)

On page 13, line 13, strike "\$62,207,000" and insert in lieu thereof "\$63,157,000".

On page 13, line 16, strike "\$121,350,000" and insert in lieu thereof "\$120,400,000".

Mr. NICKLES. Mr. President, I wish to thank Senators COCHRAN and HARKIN for their assistance in getting this proposal included in the Agriculture Appropriations bill for FY 2001. The biomass program is a collaborative effort between Oklahoma State University and Mississippi State University.

We are now 56 percent dependent on foreign oil. It is projected that by 2020 we will be more than 65 percent dependent on oil from foreign nations. Such dependency is a major threat to our national security. We need to make every effort possible to reduce and curb this dependency. This program will aid us in this effort.

The effort between these two universities will focus on the continued development of a unique gasification-bioconversion process at OSU that utilizes biomass including crop residues, underutilized grasses, and plant byproducts.

Those conducting the research consist of a senior team of nationally recognized experts in biomass production, feedstock harvesting and processing of technologies, environmental impact assessment, and biochemical process.

I ask my colleagues for their support of this unique opportunity for Oklahoma, Mississippi and for the nation.

AMENDMENT NO. 4000

(Purpose: To provide fiscal year 2000 supplemental contingent emergency funding to the Department of the Treasury for the Customs Service Automated Commercial System)

On page 93 of division B, as modified, after line 21, insert the following:

"GENERAL PROVISION—THIS TITLE

"SEC. . In addition to amounts appropriated or otherwise made available in Public Law 106-58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, \$123,000,000, to remain available until September 30, 2001,

for maintaining and operating the current Customs Service Automated Commercial System: *Provided*, That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: *Provided further*, That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Mr. CAMPBELL. Mr. President, I appreciate the Chairman and the Committee including \$123,000,000 in emergency funding for the Customs Service Automated Commercial System, or ACS. The current legacy computer system of the Customs Service is in dire need of this emergency funding. This 16 year old system regularly experiences what is called "brownouts" or system-wide outages. When this system goes down, believe it or not, the Customs Service must process all entries by hand. These outages are only becoming more frequent and they are lasting longer and longer. You can imagine the delays at the border that this situation causes. For example, in an outage in March at the Buffalo port, a five-hour delay generated so much paper that the entry documents were piled so high Customs could not see their customers on the other side of the counter. Not only do these outages create long lines at the ports, but after the system is back up and running, Customs employees must then work overtime trying to enter all of the paper entries generated during the outage. Therefore, Mr. President, I am pleased that the Committee has included this funding to address this very serious issue.

AMENDMENT NO. 4001

(Purpose: To fully fund the Food and Drug Administration's food safety initiative activities)

On page 57, line 2, strike "\$78,589,000" and insert "\$72,589,000".

On page 57, line 10, insert before the period the following: "": *Provided further*, That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional \$6,000,000 shall be made available of which \$5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and \$1,000,000 shall be made available to the National Center for Toxicological Research".

Mr. KENNEDY. The American food supply is one of the safest in the world—but it is not safe enough. Over

75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity for these illnesses are as high as \$37 billion annually.

The emergence of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne disease. This Congress can make a difference. The FDA requested a budget increase of \$30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional \$6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21% from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8% of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1%, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are

often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

AMENDMENT NO. 4002

On page 71, line 3, strike the comma and insert the following: "prior to July 1, 2001,".

Mr. NICKLES. Mr. President, I rise to report on an agreement reached today between Senator INOUE and myself regarding the Fort Reno Agriculture Research Station at El Reno, Oklahoma.

Our agreement delays any decision on the ARS until the next Administration. It also preserves the right of Congress to play a role in the future of the ARS. Our agreement ensures that any decision made about the research station will be made based on the merits of the work performed there rather than a decision based on November political considerations.

The agreement should not be read to mean that the research station will be eliminated, nor that the lands at Fort Reno should or will be returned to the Cheyenne-Arapaho tribe of Oklahoma.

I do not want the status of the Agriculture Research Station to be influenced by presidential politics, which has been the case in the past. This agreement will help prevent the future of the research station from becoming an election-year tool and better protect both the tribe and the research station from pressures surrounding the November election.

Mr. INOUE. Mr. President, I agree with Senator NICKLES that Congress

should have oversight of this issue and that decisions made about the research station should be made based on the merits of the work performed there rather than political considerations.

If one day Fort Reno is declared surplus or excess property by USDA, I hope that the Cheyenne and Arapaho's interest in the land will be considered. I believe they have a legitimate case in their pursuit of that land, and I look forward to working further with Senator NICKLES on this issue.

AMENDMENT NO. 4003

(Purpose: To prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking “Whenever” and inserting “(a) Whenever”; and

(2) by adding at the end the following:

“(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term ‘milk’ or ‘nonfat milk’, as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).”.

(b) IMPORTATION STUDY.—Not later than _____ days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

AMENDMENT NO. 4004

On page 13, line 13, strike “\$62,207,000” and insert “\$62,707,000”.

On page 13, line 16, strike “\$121,350,000” and insert in lieu thereof “\$120,850,000”.

Mr. SESSIONS. Mr. President, this amendment will provide \$500,000, for Satsuma Orange research at Auburn University in Alabama. These funds will be used to conduct research on developing technologies that reduce freeze damage, necessary for consistent production and industry expansion for the Satsuma Orange in the United States.

These funds will be used specifically for studies to reduce damage by fall and winter freezes suffered by the Satsuma Orange trees; studies evaluating micro sprinkler irrigation systems as a means of protecting the crop against freezes; evaluations for cold hardiness, cropping, harvest time, and fruit quality; and studies to determine critical temperatures that kill the crop and the factors that affect cold hardiness.

AMENDMENT NO. 4005

At the appropriate place in title VII insert the following: “None of the funds appro-

riated by this act to the U.S. Department of Agriculture may be used to implement or administer the final rule issued in Docket Number 97-110, at 65 Federal Register 37608-37669 until such time as USDA completes an independent peer review of the rule and the risk assessment underlying the rule.”.

AMENDMENT NO. 4006

(Purpose: To require that any award entered into under the dairy export incentive program that is canceled or voided is made available for reassignment under the program)

On page 75, between lines 16 and 17, insert the following:

SEC. . DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a-14(c)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

“(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization.”;

On page 36, line 9, strike “\$749,284,000” and insert in lieu thereof “\$759,284,000”; on page 36, line 12, strike “\$34,360,000” and insert in lieu thereof “\$44,360,000”.

AMENDMENT NO. 4007

(Purpose: To require the use of a certain amount of appropriated funds to carry out the Food Distribution on Indian Reservations)

On page 50, line 22, before the period, insert the following: “: *Provided further*, That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), (1) an additional amount not to exceed \$7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations”.

AMENDMENT NO. 4008

On page 13, line 13, strike “\$62,207,000” and insert “\$62,707,000”.

On page 13, line 16, strike “\$121,350,000” and insert * * *

Mr. WARNER. Mr. President, the emerging field of bioinformatics uses information technology to analyze the billions of bits of data that create a human or plant genome. The research efforts at Virginia Tech will complement and support efforts by the Department to develop new bioinformatic tools, biological data bases, and other information management tools, which hold the promise of reinvigorating our rural communities through high-technology jobs in agri-biotechnology. This amendment provides \$500,000 to support Virginia Polytechnic Institute's (VPI) Bioinformatics initiative.

AMENDMENT NO. 4009

(Purpose: To set aside funding for the distance learning and telemedicine program to promote employment of rural residents through teleworking)

On page 47, line 8, after “areas,” insert the following: “of which not more than \$3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and”.

AMENDMENT NO. 4010

(Purpose: To extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

“(1) ISSUES COVERED.—

“(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

“(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

“(i) Wetlands determinations.

“(ii) Compliance with farm programs, including conservation programs.

“(iii) Agricultural credit.

“(iv) Rural water loan programs.

“(v) Grazing on National Forest System land.

“(vi) Pesticides.

“(vii) Such other issues as the Secretary considers appropriate.

“(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

“(A) agricultural producers;

“(B) creditors of producers (as applicable); and

“(C) persons directly affected by actions of the Department of Agriculture.”; and

(2) by adding at the end the following:

“(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term ‘mediation services’, with respect to mediation or a request for mediation, may include all activities related to—

“(1) the intake and scheduling of cases;

“(2) the provision of background and selected information regarding the mediation process;

“(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

“(4) the mediation session.”.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking “Each” and inserting the following:

“(1) IN GENERAL.—Each”; and

(2) by adding at the end the following:

“(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

- “(A) salaries;
- “(B) reasonable fees and costs of mediators;
- “(C) office rent and expenses, such as utilities and equipment rental;
- “(D) office supplies;
- “(E) administrative costs, such as workers’ compensation, liability insurance, the employer’s share of Social Security, and necessary travel;
- “(F) education and training;
- “(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;
- “(H) costs associated with publicity and promotion of the mediation program;
- “(I) preparation of the parties for mediation; and
- “(J) financial advisory and counseling services for parties requesting mediation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking “2000” and inserting “2005”.

AMENDMENT NO. 4011

(Purpose: To provide increased funding for the Extension farm safety program, including funding at a level of \$3,055,000 for the AgrAbility project)

On page 13, line 16, strike \$121,350,000 and insert “\$120,650,000”.

On page 15, line 2, strike \$494,744,000 and insert “\$494,044,000”.

On page 16, line 6, strike \$3,400,000 and insert “\$4,100,000”.

On page 17, line 8, strike \$426,504,000 and insert “\$427,204,000”.

AMENDMENT NO. 4012

(Purpose: To authorize the Secretary of Agriculture to provide equitable relief to an owner or operator that has entered into and violated a contract under the environmental conservation acreage reserve program if the owner or operator took actions in good faith reliance on the action or advice of an authorized representative of the Secretary)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

“SEC. 1230A. GOOD FAITH RELIANCE.

“(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contract and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

“(b) TYPES OF RELIEF.—The Secretary shall—

“(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

“(A) to retain payments received under the contract;

“(B) to continue to receive payments under the contract;

“(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

“(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

“(E) or any other equitable relief the Secretary deems appropriate; and

“(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

“(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

“(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).”.

“(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.”.

AMENDMENT NO. 4013

(Purpose: To require the publication of data collected on imported herbs)

On page 89, after line 19, add the following:

SEC. 1111. AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

AMENDMENT NO. 4014

(Purpose: To adjust the limitation to carry out research related to tobacco)

On page 15, line 6, before the period, insert: “: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco”.

Mr. COCHRAN. Mr. President, I am prepared to be guided by the interest of the Senate. I have a list of the amendments which I am prepared to read if Senators would like. I can send the list to the desk and have it printed in the RECORD. I asked my staff if we read the list last year, and they said we did not. Maybe considering the mood of the Senate, I should not read the list.

Mr. MCCAIN. Will the Senator yield? Mr. COCHRAN. Yes.

Mr. MCCAIN. Mr. President, can the Senator estimate how much total spending is in those amendments?

Mr. COCHRAN. I do not have an estimate. They are within the budget allocation of the committee. None of them will require a waiver. There are two amendments that are attached to this bill that are not within the jurisdiction of this subcommittee. One is related to methamphetamine laboratory cleanup which comes under Commerce-Justice, and another is related to Customs Service computer systems which comes under the Treasury, Postal Service, and General Government Subcommittee’s jurisdiction.

Mr. MCCAIN. I thank the Senator.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the managers’

package be agreed to en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3982 through 4014), en bloc, were agreed to.

ARS RESEARCH PROJECT IN EAST LANSING, MI

Mr. LEVIN. Mr. President, we have before the Senate S. 2536, the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I am concerned that this bill omits an appropriation included in the House version of this bill (H.R. 4461).

H.R. 4461 appropriates \$309,600 for the Agriculture Research Service (ARS) to fund research addressing Postharvest Handling and Mechanization to Minimize Damage for Fruits. This research is vital, not only for Michigan, but for all fruit producing states.

This research has the potential to allow fruit growers to realize greater profits by better ensuring fruit quality. Given the significant potential of this program to assist fruit producers in my home state, I am troubled by its exclusion in S. 2536.

Mr. COCHRAN. I thank the Senator from Michigan for his comments. He is correct in stating that the House Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for Fiscal Year 2001 funds research regarding Postharvest Handling and Mechanization to Minimize Damage for Fruits while the Senate counterpart does not.

Mr. LEVIN. I would appreciate the Senate conferees giving full consideration to the House position on this matter.

Mr. COCHRAN. I assure the Senator from Michigan that this specific request will be carefully considered in conference as I can understand how important this matter is.

FDA’S ADVERSE EVENT REPORTS

Mr. HATCH. Mr. Chairman, I strongly support an increase to the Food and Drug Administration’s Adverse Event Monitoring System regarding dietary supplements. This would be administered by the FDA’s Center for Food Safety and Applied Nutrition (CFSAN). This increase in FDA’s Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act.

Mr. HARKIN. I am proud to join my distinguished colleague, the Senior Senator from Utah, in supporting this endeavor. This proposed increase in FDA’s Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act. It also

continues our mutual efforts to promote better public health and consumer safety. The FDA monitors adverse events related to dietary supplements. The dietary supplement sales have doubled in the past five years. In fact, surveys indicate that nearly half of all Americans use some type of dietary supplement, spending over \$12 billion annually for these products. FDA estimates that the industry markets approximately 29,000 of these products, which are sold under 75,000 distinct labels.

Mr. HATCH. Despite this phenomenal growth in the supplement industry, the FDA currently does not have the resources to process adverse event reports in a timely manner and with comprehensive information. As a result, a substantial backlog currently exists in reviewing adverse event reports in the dietary supplement area. However, we must assure that these funds for AERs are effectively spent. Accordingly, Mr. Chairman, I respectfully request that you work with Senator HARKIN and myself on this issue. More specifically, we request that the FDA be directed to assign additional personnel to maintain the timeliness and accuracy of the AER system for dietary supplements. In addition, Congress needs to be assured that all published reports are accompanied by the results of a scientific evaluation of the link between the product and the adverse event and evidence of timely prior notification of any manufacturer or distributor mentioned in the report.

Mr. COCHRAN. I appreciate your bringing this issue to the attention of the Committee, and I will carefully consider this issue affecting the FDA's Adverse Event Monitoring System regarding dietary supplements. I thank the Senator for raising this matter to my attention.

USDA-ARS NEW ENGLAND PLANT, SOIL AND
WATER RESEARCH LABORATORY

Ms. SNOWE. Mr. President, I thank the chairman for his continuing support for the New England, Plant, Soil, and Water Research Laboratory in Orono, Maine. Quite frankly, with his help and the support of his Subcommittee, we have literally snatched this USDA-Agricultural Research Service potato research laboratory—so important to the Maine potato industry—from the jaws of defeat ever since the Administration called for its closing in 1995. Not only have we kept the doors open, but with his support, the research facility on the University of Maine campus in Orono now has not only Dr. Wayne Honeycutt as its very capable lead scientist, but has added two plant pathologists, a research chemist, and a soon to be added research agronomist because of his support last year. I want to once again re-emphasize just how critical the lab's survival is to the state of Maine, its potato growers, and its economy.

Ninety-five percent of the potato acreage in the six states in the New England region are in Maine, and the lab has the benefit of being in close proximity to the grower's fields. There has been a long and productive history of collaborative potato research involving the state, the university research program, and private agricultural interests.

The laboratory's last need is for a soil physicist to complete its scientific staff and not for a soil pathologist as originally requested and for which \$300,000 is provided for as stated on page 31 of the Report Language for S. 2536. I request that this technical correction be made for a soil physicist.

Mr. COCHRAN. I thank the Senior Senator from Maine for her tireless efforts over these past five years to not only keep the ARS laboratory open but to assure that the facility is staffed with skilled scientists and support staff that continue to be of great service to the agriculture community in Maine. This research facility has my support and the appropriate technical change will be made for a soil physicist.

Ms. SNOWE. Once again, I thank the chairman for his support of agriculture throughout my State, and I praise him for your fine leadership as Chair of the Subcommittee.

QUALITY AND SHELF LIFE OF AGRICULTURAL
COMMODITIES

Mr. CRAIG. Mr. President, I want to thank the Senator from Mississippi, for drafting an excellent FY2001 Agriculture Appropriations bill that will help meet the needs of our nation's farmers and agricultural communities. I especially want to thank him for working closely with me to ensure that issues affecting the Idaho agriculture are addressed in the bill.

I know that the Senator from Mississippi works hard with limited resources to fund worthwhile and fiscally responsible agricultural research programs. One important area of agriculture research involves increasing the shelf life of our food, while maintaining its quality, and one of the most promising methods is irradiation. In Idaho, Idaho State University is home to the Idaho Accelerator Center (IAC) which is proposing a research program to investigate the effects of small amounts of irradiation—as compared to conventional food irradiation—on the behavior of potatoes. IAC and several Idaho-based partners have been studying the positive effects of low doses of x-ray and electron beam irradiation on the storage properties and shelf life of potatoes. Significant improvement in shelf life has been demonstrated over the entire range of standard storage conditions, with virtually no decline in quality. The results indicate that long term storage losses can be reduced to very low levels and that shelf life during transport,

storage by vendors and by consumers is extended indefinitely. It is believed that these findings will also hold true for other commodities such as onions, sugar beets, etc. These results are achieved without chemicals, radioactive materials or other environmentally harmful processes. The irradiation is provided by the electron beams produced from compact, portable high-energy electron-linear accelerators.

While I know that the project is not funded in the Senate bill, I want to ask the Chairman to consider the IAC proposal during Conference on the bill. This is a worthy project and one that I am confident will lead to real results that will benefit our farmers and consumers.

Mr. COCHRAN. Mr. President, I want to thank the Senator from Idaho for his kind remarks. We have tried hard to accommodate every worthwhile request but, as we all know, we are constrained by our budget allocation. I want to assure him, however, that I will thoroughly review the request made by the Idaho Accelerator Center at Idaho State University and will give it appropriate consideration during Conference.

Mr. CRAIG. Mr. President, I want to thank the Chairman for his willingness to look at this, and for all he does for American agriculture and a safe, secure, food supply.

MONTANA FOOD STAMP STANDARD UTILITY
WAIVER

Mr. BAUCUS. Mr. President, I rise today to discuss an amendment that Senator BURNS and I were working with the Committee on in this Agriculture Appropriations bill that would help Montana's senior citizens and low-income citizens. In particular, this measure would provide an additional \$500,000 to enable the State of Montana continue its food stamp program standard utility allowance ("SUA") waiver. Montana is currently operating under an agreement with the U.S. Department of Agriculture to continue extending the waiver.

Montana has approximately 25,000 households using food stamps. Of this number, over 19,000 would be tragically affected by the loss of this waiver. For example, many elderly food stamp recipients who live on fixed incomes and/or reside in public housing would be hard hit by the loss of the Standard Utility Allowance waiver. In many such cases, records from the Montana Department of Public Health and Human Services indicate that the loss could be higher than fifty percent of the benefit.

Second, the state of Montana is currently serving 952 "able-bodied adults without dependents." Many of these are either homeless or at risk of losing their housing. Decreasing their current food stamp benefit would only exacerbate their difficult situations.

Finally, many of these food stamp recipients live in Montana's 634 group homes for the disabled. The loss of the Standard Utility Allowance would decrease food stamps for these individuals with disabilities creating further hardship for group homes which already operate with very little budget flexibility.

The entire Montana delegation has worked hard over the past two years in conjunction with our Montana Department of Public Health and Human Service, the U.S. Department of Agriculture and the Office of Management and Budget to maintain this critical program. I am pleased that Senator COCHRAN is willing to work with Senator BURNS and myself to address this issue within the context of this Agriculture Appropriations bill.

Mr. BURNS. I wholeheartedly support this amendment which is so critical to so many Montana families. The SUA waiver is of particular concern because long winters and high utility costs are something all Montanans face, regardless of income. This waiver allows a credit to a household's income when determining eligibility and amount of food stamp benefits. Because of the unique set of challenges facing Montanans in terms of extreme weather conditions, termination of the Standard Utility Allowance could very well put many needy households at risk of experiencing hunger.

The current SUA waiver is scheduled to expire on September 30, 2000. However, the USDA Food Nutrition Service has conditionally approved the extension of the Montana SUA waiver for an additional year to September 30, 2001. A primary condition to that approval is congressional approval of adequate funding.

To date, this waiver has been very successful in its goals to provide nutritional assistance to low-income citizens. I strongly support funding this program at \$500,000 and will work with my colleagues to make that happen by the end of conference.

Mr. COCHRAN. I thank the Senators from Montana for working with the Agriculture Appropriations Committee to bring to our attention the need for funding of this important measure.

Mr. BAUCUS. Thank you, Senator COCHRAN, for your support. Montana's hungry families appreciate your efforts.

BIOINFORMATICS INSTITUTE FOR MODEL PLANT SPECIES

Mr. DOMENICI. Mr. President, I wish to engage in a colloquy with the Chairman of the Subcommittee, the Senator from Iowa, and the Senator from New Mexico regarding the establishment of a Bioinformatics Institute for Model Plant Species as a collaborative effort between the USDA Agriculture Research Service, New Mexico State University, and Iowa State University.

Mr. COCHRAN. I will be pleased to speak with my colleagues regarding

this issue. I understand that this is a cooperative approach to enhance the accessibility and utility of genomic information for plant genetic research, and Senator DOMENICI championed the authorization for this institute in the recently enacted Agricultural Risk Protection Act.

Mr. DOMENICI. The chairman is correct that this cooperatively operated institute would reduce duplication of effort as research institutions across the country find the need to develop bioinformatics systems to validate and disseminate results from plant genomic studies. Three model plant species have been identified by the National Science Foundation, and this institute would incorporate software platforms that will enable the integration of these model plant bioinformatic resources with crop plant bioinformatic resources.

Mr. HARKIN. Over the past several months, my staff and I have had the pleasure of discussing this collaboration between Iowa State University, New Mexico State University, and the Agriculture Research Service with representatives of the National Center for Genome Resources, and want to express my support for establishing this institute. It would bring research scientists from the State Agriculture Experiment Stations and ARS together with the expertise in bioinformatics and software platforms developed by NCGR and its work on the Human Genome Project. Through this combination of expertise, the institute would greatly reduce the chances of having to "reinvent the wheel," so to speak, as genomic research continues to expand into greater numbers of agricultural plant species.

Mr. BINGAMAN. I concur with my colleagues' assessment that this institute would provide a valuable addition in the research area of plant genomics. It would let us avoid redundant genomics research in crop species and leverage information for crop improvement. Funding for this institute would augment existing skills and resources, rather than building new bioinformatics infrastructure.

Mr. DOMENICI. Funding from the Agricultural Research Service will be needed to establish this institute. I understand that with the funding provided for ARS in this bill, that may not be possible. I ask the Chairman if he would assist us in the upcoming Conference Committee to ensure that ARS funding is adequate to accommodate this important project?

Mr. COCHRAN. I want to thank my colleagues for bringing this issue to the attention of the Senate. I appreciate the significance of establishing this institute, and I will make every effort to accommodate their request in the Conference.

Mr. HARKIN. I want to thank the Chairman of the Subcommittee, and

look forward to working with him in the Conference.

Mr. BINGAMAN. I, too, thank the Chairman for his assurance.

Mr. DOMENICI. I thank the Chairman of the Subcommittee.

STUDY TO IMPROVE AFRICAN AGRICULTURAL PRACTICES

Mr. SANTORUM. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Agriculture Appropriations Subcommittee regarding a study to improve farming practices in Africa.

As the chairman knows, the Trade and Development Act of 2000 was signed into law in May. This Act authorized a study on ways to improve African agricultural practices. This study will be conducted by the U.S. Department of Agriculture in consultation with a land grant university and a not-for-profit organization that has firsthand knowledge of African farming.

While a two year study is authorized, it is my understanding that ample data and research exists supporting the need to establish a more formal relationship to improve farming practices in Africa.

To that end, I ask the Chairman if he would work with me to ensure that the USDA takes up this study in a timely fashion and incorporates the existing data so that we can formally implement these recommendations.

Mr. COCHRAN. I want to thank the Senator from Pennsylvania, and appreciate him bringing this issue to my attention.

As move forward, I will work with him to ensure that the USDA takes into consideration the existing data and research, and completes the study within a reasonable timeframe.

Mr. SANTORUM. I thank the Chairman for his commitment, and appreciate his willingness to work with me on this important initiative.

BOVINE TUBERCULOSIS

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, and Related Agencies (S. 2536). Included in this bill is funding which will, among other things, assist our nation's farmers, aid rural development, preserve delicate ecosystems and provide food assistance to our nation's most needy individuals. I support these measures, but I also realize that there are urgent agricultural emergencies which cannot be covered by the scope of the annual appropriations process.

Mr. COCHRAN. The Senator from Michigan is correct in stating that frequently there exist many agricultural emergencies which are best addressed by the action of the Secretary of Agriculture.

Mr. LEVIN. I thank the Senator from Mississippi. One agricultural emergency that currently affects my home state of Michigan, and which threatens

livestock in the Upper Midwest is bovine tuberculosis (TB). Due to a host of factors, Michigan is the only state in the Union where bovine TB has actually been transferred from livestock into the wild. Most frequently, this disease has been transferred from cattle to members of the Cervid family, such as whitetail deer. Deer then are able to transfer TB to herds of cattle, wild animals or humans. As a result of this disease, neighboring states have restricted the entry of Michigan cattle, farmers have been required to test their cattle for this disease and some livestock producers have had to eradicate their herds. I would ask the Senator from Wisconsin, if he believes that the matter of bovine TB constitutes an emergency.

Mr. KOHL. I agree with the Senator from Michigan that bovine TB constitutes an agricultural emergency.

Mr. LEVIN. I thank the Senator from Wisconsin. I would hope that the Secretary of Agriculture would declare an emergency regarding bovine TB. Doing so would assist areas where this disease is present and prevent the further spread of bovine TB.

RED RIVER TRADE COUNCIL

Mr. DORGAN. Mr. President, I rise to discuss the Agriculture Diversity Project, which is administered by the Red River Trade Council through the Cooperative State Research, Education, and Extension Service. The Agriculture Appropriations Subcommittee has funded this program in the past, and I want to thank the Chairman and the Ranking Minority of the Agriculture Appropriations Committee for their support.

As my colleagues know, one of the areas of economy that has not shared in the current economic boom is agriculture. The farmers and those who live and operate businesses in rural America are struggling financially to maintain not only a reasonable standard of living, but also the preservation of a rural lifestyle. They are desperate to find ways that will allow them to stay and to make a living in rural America.

The Agriculture Diversification Project now underway seeks to add value to existing crop production, establish high value crop alternatives to those crops traditionally grown in the region, develop processing facilities, and create markets for both new crops and the value added products. One added dimension to the program in Fiscal Year 2001 will be an Internet-based information resource for farmers and other rural residents intended for those who are interested in a sustainable rural economy through entrepreneurship, product development, and marketing. This new aspect of the project will demand additional resources above what the Subcommittee provided in this bill. I hope that we might be able to provide at least \$500,000 for this

project—which is the level of funding that the House provided in its bill.

Mr. DASCHLE. I am grateful that the Committee has recognized the need for this project in the past and also in the legislation being considered today. However, with the expansion of this project beyond the original states of North Dakota, South Dakota, and Minnesota to also include Iowa, and Nebraska, and to establish the Internet resource a higher level of funding for this project is necessary.

Does the Subcommittee Chairman, the senior Senator from Mississippi, agree that the House level of \$500,000 would be a more appropriate funding level for this program?

Mr. COCHRAN. I understand that this project is a priority for the Minority Leader and the Senator from North Dakota. I will work in conference to consider \$500,000 for the Red River Trade Council's Agricultural Diversity Project in the final version of the Agriculture Appropriations bill.

LAND-GRANT UNIVERSITY SYSTEM

Mrs. LANDRIEU. Mr. President, the Nation's Land-Grant University system is very fortunate to have historically black land-grant colleges and universities like Southern University of my home State of Louisiana, Tuskegee University of Alabama and Alcorn State of Mississippi, to name just three of them. These universities were granted Land-Grant status under the Evans-Allen law enacted by Congress in 1890. An amendment accepted in House of Representatives during debate on the Agricultural Appropriations bill for Fiscal Year 2001 increases formula funds for research and extension science performed at these universities in a total amount of \$6.8 million. There are 18 such historically black universities in America which are part of the entire national land-grant university system.

The historically black land-grant universities play a very special and unique role in our nation. Since 1988, the base formula funding provided to our nation's historically black colleges has eroded. Funding provided to these institutions through this mechanism has remained flat from the previous fiscal year. Investing in the 1890s Land-Grant institutions is a wise investment indeed. Together, our historically black land-grant universities comprise a unique asset with the multi-cultural depth to enrich the research, extension and education capacity of the nation. Strengthening minority serving institutions and making them equal partners in the Land-Grant System are key elements toward improving minority access to USDA programs. Our universities need a significant boost in infrastructure investment to fully participate and compete for research, extension and education funding. The amendment passed by the House of Representatives would increase base

(formula) funding and as a result would be a significant step in that direction. I appreciate Senator COCHRAN's recognizing the importance of this funding and hope you will give strong consideration during conference to acceding to the amendment passed by the House of Representatives. \$6.8 million divided among the 18 historically black institutions is not much, but it does mean a great deal to these institutions and the people they serve through their research and extension programs.

Mr. COCHRAN. I recognize the need to provide adequate support for the 1890 institutions. The Senator will be pleased to know that this bill provides increases above the fiscal year 2000 level for the 1890 institution's capacity building grants program and the facilities grants program. I share the Senator's interest in these institutions and will keep her comments in mind as we work to enhance funding for these programs in conference.

Mrs. LANDRIEU. I thank the Senator.

CARBON DIOXIDE EMISSIONS TRADING CREDIT MODELS

Mr. CRAIG. Mr. President, I want to ask the Chairman about a small provision in report language, under the Natural Resources Conservation Service. The report encourages the agency to interface with a consortium of universities on developing carbon dioxide emissions trading credit models. I am just seeking clarification on the academic nature of the efforts described and the intent of the Committee.

In numerous appropriations bills and reports, the Committee and the Senate have reiterated the position, consistent with the unanimously-passed Byrd-Hagel resolution, that the Kyoto Protocol on global climate change and control of greenhouse gases has not been approved by the Senate and must not be implemented by the Administration through the regulatory backdoor. Every year, language to this effect has been included in a growing number of appropriations laws, including the Agriculture Appropriations Act for fiscal year 2000.

My question arises because emissions trading is inextricably, and most visibly, linked to the limits envisioned in the Kyoto Protocol. I assume there is no intention in the report language to be inconsistent with our longstanding position on Kyoto and no implied endorsement of emissions trading. I would read the report as simply encouraging the agency in giving technical assistance to an academic research project relevant to agriculture.

Mr. COCHRAN. The Senator has correctly characterized the Committee's intent.

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Agriculture Appropriations Bill now before the Senate. The amendment identifies vital

funding for Indian Country in four programs under the Rural Community Advancement Program. The cosponsors of the amendment are Senators CAMPBELL, INOUE, DOMENICI, LEAHY, DASCHLE, DORGAN, FEINSTEIN, BENNETT, MURRAY, JOHNSON, HATCH, SNOWE, and CONRAD.

First, I want to thank Chairman COCHRAN and Senator KOHL for their work on this Agriculture Appropriations Bill. This bill provides funding for a number of programs that are vital to my state of New Mexico and to the nation.

The rural development programs funded in this bill are especially important for a rural state like New Mexico. Through a variety of grant and loan programs, rural development is helping to make sure that our smaller communities are not being left behind in basic infrastructure, in quality of housing, in economical utilities, in community facilities, or in business development. Rural development is making tremendous progress in improving the quality of life of our smaller communities and in Indian Country. The basic health and well being of rural people in New Mexico, as well as their economic future, are much brighter as a result of the rural development programs.

This amendment is straight forward. The bill already provides \$24 million for tribal programs, and I thank the Chairman and Ranking Member for providing this important set aside. The amendment simply sets the priorities for how the existing tribal funding in the bill should be divided among the various Rural Development Programs. Under our amendment, \$1 million is set aside for rural business opportunity grants, \$5 million for community facilities for tribal colleges, \$15 million for grants for drinking water and waste disposal systems, and \$3 million for rural business enterprise grants. These priorities have the support of the National Congress of American Indians and the American Indian Higher Education Consortium.

I ask unanimous consent that letters from the NCAI and AIHEC supporting our amendment be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. The \$15 million in water and wastewater grants in this amendment include a special provision that allows the department to provide up to 100 percent of the cost of a project for the most economically disadvantaged tribes that can't otherwise qualify for a loan as normally required. A similar grant program was first established by Congress last year to address the urgent needs in Indian Country for basic water and waste water systems. I am pleased that the Rural Utilities Service has moved quickly

this year to implement this new program and we are seeing immediate results. To date, 26 grants have been awarded to tribes in 14 states—from Maine to California. The average grant is a little more than \$400,000. The RUS already has in hand requests for many millions of dollars in important projects for next year. This amendment will provide the funding to address these urgent needs.

In addition, the amendment provides \$5 million in much needed funding for facilities construction and maintenance at our 33 tribal colleges that comprise the American Indian Higher Education Consortium, AIHEC. Many of these institutions are operating in donated, abandoned, and in some cases, even condemned structures. Hazards include leaking roofs, asbestos insulation, exposed and substandard wiring, and crumbling foundations. Tribal colleges receive little or no funding from the states. These institutions are located on federal trust land and are a federal responsibility. The \$5 million provided in this amendment will begin to address the backlog in facility requirements for tribal colleges.

The development of new businesses in Indian Country is one key to self sufficiency for Native American communities. The amendment provides \$3 million in rural business enterprise grants to support the development of small and emerging tribal business enterprises. These funds can be used to develop land, construct buildings and factories, purchase equipment, provide road access and parking areas, extend basic utilities, or provide technical assistance, startup and operating costs, or working capital for new business.

Finally, the amendment provides a \$1 million set aside for tribal rural business opportunity grants. Tribes may use these funds to analyze business opportunities that will make use of the existing economic and human resources in Indian Country. Funding can also be used to train tribal entrepreneurs and to establish business support centers. Unemployment rates in Indian Country are the highest in the nation, sometimes topping 50 percent. Development of new business opportunities on tribal lands is one of the keys to improving the standard of living in Native American communities.

Congress established the rural development programs to assist in the economic development of rural areas of the nation with the highest percentage of low-income residents. Today, some of the most economically disadvantaged communities in America are in Indian Country. The \$24 million set aside in this bill for tribal programs represents only a tiny percentage of the total funding available for Rural Community Advancement Programs. This funding will begin to address the needs of some of America's poorest communities.

Again, I want to thank Chairman COCHRAN and Senator KOHL for their support for the tribal funding in this bill. These are important programs to help deal with the critical needs of our tribes. I hope the Senate will support our amendment.

EXHIBIT 1

NATIONAL CONGRESS OF
AMERICAN INDIANS,
Washington, DC, May 24, 2000.

Re Support for Bingham Tribal Amendment

DEAR SENATOR: The National Congress of American Indians (NCAI), the oldest and most representatives Indian advocacy organization, respectfully request your support for an amendment to be offered by Senator Jeff Bingaman to S. 2536, the FY2001 Agriculture Appropriations bill during full Senate consideration. This amendment would designate the \$24 million currently proposed for water and wastewater loans and grants in the Indian Rural Utilities Service (RUS) programs into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Waste Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

NCAI supports this amendment because it designates the funds for grant programs that are targeted to the specific rural development needs of tribes and tribal colleges, rather than for the general purpose of benefiting federally recognized Native American tribes.

In FY2000, Senator Bingaman was instrumental in securing the original set aside of \$12 million for the Indian RUS program. To date, 19 Indian projects have been funded, with five requests on hand, and an additional four that are or forthcoming.

NCAI respectfully request your support of the Bingham Tribal amendment when it is offered for full Senate consideration. If you have any questions in regards to this amendment, please contact me or Victoria Wright, NCAI Legislative Associate at (202) 466-7767.

Sincerely,

JOANN K. CHASE,
Executive Director.

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Alexandria, VA, July 2000.

DEAR SENATOR: The 33 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC) respectfully request your support of the Bingham amendment to be offered during Senate consideration of the FY01 Agriculture Appropriations bill (S. 2536/H.R. 4461). This amendment would simply allocate the proposed \$24 million available for loans and grants to federally recognized American Indian tribes through the Rural Community Advancement Program into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Waste Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

Tribal Colleges serve as community centers, providing libraries, tribal archives, child care centers, nutrition and substance abuse counseling and a broad range of other vitally needed facilities to their rural communities. Yet, many of our colleges are still operating in trailers, renovated gymnasiums, reclaimed abandoned BIA facilities with leaking roofs, exposed and substandard wiring and crumbling foundations. The Federal

government has never funded authorized facilities programs for the Tribal Colleges. The Rural Community Programs were created to assist in the development of essential community facilities located in rural areas with a high concentration of low-income residents. This is by definition of the reservation communities served by the Tribal Colleges.

Our 33 colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Bingaman for championing this effort and for your support. The inclusion of the amendment will be a first step in bringing the Tribal Colleges much needed resources to address critical facilities needs.

Respectfully,

VERONICA N. GONZALES,
Executive Director.

Mr. MCCAIN. Mr. President, the agricultural appropriations bill is very important bill—it provides federal assistance to our nation's farming communities, funds social service programs for women and children, and addresses natural resource management needs across the country.

I commend Chairman COCHRAN and other members of the Agriculture Appropriations subcommittee for their hard work to complete this year's bill. So, it is with regret that I had to vote against passage of this bill.

Mr. President, approval of the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, we find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. Included in this bill is more than \$243 million in pork-barrel spending and additional "emergency spending" at the cost of \$2 billion.

Traditional earmarks run rampant in this bill and its accompanying report for unrequested and low-priority spending. Other sly methods are also utilized to secure funding for parochial projects. If a direct amount is not earmarked, then the committee has covertly directed the USDA to grant special consideration to certain projects that would otherwise be subject to a competitive grant review. Appropriations bills are also popular targets to attach policy riders which clearly have no place in budget bills.

Another \$2 billion in designated "emergency" spending was also added to this bill for various crop and disaster related assistance. This "emergency" spending is in addition to billions already spent in the past few years for farm relief spending, as well as other supplemental appropriations included in the military conference report for fiscal year 2000, and several

billion more included in the recently passed crop insurance reform bill.

I rise today to tell my colleagues that I object.

I object to the \$243 million in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I object to speeding through appropriations bills without adequate review by all members. I object to budget gimmickry practiced by attaching non-germane and non-priority items to appropriations bills and designating them as "emergencies" to avoid exceeding budget allocations.

It is no surprise that many of these earmarks are included for political glamour rather than practical purposes. Members can go back to their districts to ride in public parades and garner votes at the expense of average citizens who are struggling to maintain minimum wage jobs.

Again, some of these items are not particularly objectionable on an individual basis. However, I am merely objecting to the way these projects have been selectively identified and prioritized for earmarks when so many other needs around our country go unaddressed. Other items clearly do not belong in this particular bill and, therefore, could be subject to budget points-of-order.

Numerous earmarks are included that are of questionable relation or priority to the purposes of this bill. A few examples are:

\$20 million for construction of a Los Angeles replacement laboratory and office space project in California;

\$3.5 million for the Delta Teachers Academy;

\$5 million for demonstration housing grants for agriculture, aquaculture, and seafood processing works in Mississippi and Alaska;

\$500,000 for cooperative efforts with the Claude E. Phillips Herbarium in Delaware;

\$87,000 for North American Studies in Texas;

\$436,000 for a clean air PM-10 study in Washington;

\$2,150,000 for a rural health program in Mississippi to train health care workers to serve in rural areas; and,

An additional \$520,000 for seven additional inspectors at the U.S.-Mexico Border at the San Diego ports of entry.

Again, Mr. President, these projects may be meritorious and helpful to the designated communities, but they do not appear appropriate to tag onto this year's agriculture spending bill. This appropriations measure is intended to address farmers, women, children and rural communities with the greatest need. Yet, by diverting millions to non-agricultural needs, we fail in this responsibility, forcing Congress to pass ad-hoc emergency spending bills with billions in farm relief and bail-outs for

producers who cannot pay back their federal loans.

I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. Had we more responsibility allocated funding in these appropriations bills, we certainly could have avoided this type of egregious pork-barrel and emergency ad hoc spending which cuts deep into the budget surplus.

Mr. President, I have compiled a list of objectionable provisions in this bill and its accompanying report. However, the list is too lengthy to include in the RECORD, but will be available from my Senate office.

Mr. KENNEDY. Mr. President, the American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity from these illnesses are as high as \$37 billion annually.

The emergency of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne diseases. This Congress can make a difference. The FDA requested a budget increase of \$30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional \$6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21 percent from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are

also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8 percent of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1 percent, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety efforts are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

Mr. LEAHY. Mr. President, I rise today to express my support for and cosponsorship of the Hatch-Durbin amendment to the Agriculture Appropriations bill to increase funding for the Office of Generic Drugs (OGD) at the Food and Drug Administration (FDA) by \$2 million.

As we all know, the high costs of prescription drugs are on the minds of Americans because having access to affordable prescription drugs is essential for people of all ages. Over the next 5 years, the patents of name brand drugs with approximately \$22 billion in sales

will expire. Consumers will save millions of dollars from generic prescription drug alternatives. This will help to alleviate cost pressures facing some of our most vulnerable citizens—seniors and the chronically ill.

The FDA will be able to help make drugs more affordable only if it has adequate resources to review and approve generic drug applications in a timely manner. In recent years, I have worked with Senators SPECTER, HARKIN, and other cosponsors of this amendment to urge our colleagues to increase funds for the Office of Generic Drugs. These efforts have paid off in a reduction in the backlog of generic drug applications. Unfortunately, the President did not request an increase for the Office of Generic Drugs for the 2001 fiscal year. However, the workload for the office continues to increase and for the first time in several years, the backlog of applications has increased rather than continue to decline.

An increase of \$2 million for the Office of Generic Drugs will be used for training and the upgrade of information technology systems that will allow for the electronic submission and review of generic drug applications.

I urge my colleagues to support this important amendment. This amendment will put the review record of the Office of Generic Drugs back on course.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Agriculture and Related Agencies Appropriations bill for fiscal year 2001.

The Senate-reported bill provides \$75.1 billion in new budget authority (BA) and \$39.4 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies. All of the discretionary funding in this bill is nondefense spending.

When outlays from prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals \$64.2 billion in BA and \$46.7 billion in outlays for FY 2001. Including mandatory savings, the subcommittee is at its 302(b) allocation in both BA and outlays.

The Senate Agriculture Appropriations Subcommittee 302(b) allocation totals \$64.4 billion in BA and \$46.7 billion in outlays. Within this amount, \$14.9 billion in BA and \$15.0 billion in outlays is for nondefense discretionary spending.

For discretionary spending in the bill, and counting (scoring) all the mandatory savings in the bill, the Senate-reported bill is \$315 million in BA and \$6 million in outlays below the subcommittee's 302(b) allocation. It is \$75 million in BA below and \$131 million in outlays above the 2000 level for discretionary spending, and \$630 million in BA and \$77 million in outlays below the President's request for these programs.

I recognize the difficulty of bringing this bill to the floor at its 302(b) allocation.

I appreciate the committee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

I urge adoption of the bill.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 2536, AGRICULTURE APPROPRIATIONS, 2001 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001 in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	14,539	49,616	64,155
Outlays	14,961	31,775	46,736
Senate 302(b) allocation:			
Budget authority	14,584	49,616	64,470
Outlays	14,967	31,775	46,742
2000 level:			
Budget authority	14,614	50,295	64,909
Outlays	14,830	33,088	47,918
President's request			
Budget authority	15,169	49,616	64,785
Outlays	15,038	31,775	46,813
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority	-315	-315
Outlays	-6	-6
2000 level:			
Budget authority	-75	-679	-754
Outlays	131	-1,313	-1,182
President's request			
Budget authority	-630	-630
Outlays	-77	-77

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. ROBERTS. Mr. President, I rise today in strong support of H.R. 4461, the FY2001 Agriculture appropriations bill. I commend Senator COCHRAN for bringing forward what I believe is a solid bill to fund those programs of greatest importance to production agriculture and rural America. The task to complete this legislation is never easy, but the Senator from Mississippi has again worked to craft a bill that serves the states of all members of the Senate.

In this era of tight budget caps, crafting this legislation becomes more difficult each year. Despite these difficulties, the chairman has still found a way to provide increases in funding for several vital programs, including:

Farm Service Agency Staffing +\$20 million from FY00; Conservation Programs +\$63.4 million; Food Safety Inspection Service +\$29 million; and Agricultural Research +\$6.4 million.

Mr. President, I know that many Senators and our constituents are often upset to see increases in funding for federal staffing. But, I must tell you that this increase in funding for FSA staffing is essential.

The Farm Service Agency is responsible for distributing all AMTA, LDP, and market loss payments and programs to our producers. With the low prices of the past two years, these staff have faced a tremendous workload.

These programs are essential to our producers and without proper staffing the delivery of these programs will be delayed. This is funding that will benefit our producers.

The productivity of today's U.S. agricultural machine is a modern day miracle that is a model for the rest of the world. We grow more food, for more people, on less land each year. Much of this productivity is a direct result of the commitment Congress has provided to agricultural research in the past. Additional research and productivity will be essential, as the world's population continues to grow in the next fifty years. The U.S. must be a leader in this area, and I thank the chairman for his commitment to research funding in this legislation.

In addition, I want to thank the chairman for the additional funding provided for the Food Safety Inspection Service (FSIS). Kansas is the largest beef packing state in the country and beef accounts for nearly ½ the farm income in my state each year. We have many small plants and lockers located throughout the state, and we have the "Big 4" packers located within a 100-mile radius of each other in the southwestern part of the state. These plants have experienced inspector shortages at several points during the past year. These shortages result in reduced production chain speeds, which results in lost income for the processors, and fewer cattle being slaughtered which directly affects the pocketbooks of my cowboys and cattle ranchers. I am hopeful FSIS will use this money to hire inspectors and locate them in those areas where they are most needed.

I think it is also important to point out the significantly larger amount of funding for USDA agricultural export programs in the Senate bill compared to the House Agricultural Appropriations bill. We need full funding of these programs if our producers are to continue gaining additional world market shares, and I am hopeful the Senate position will prevail in conference with the House.

Finally, I thank the chairman for the funding he has provided for continued wheat and grain sorghum research in the State of Kansas through the Agricultural Research Service and Kansas State University. Kansas is the No. 1 producer of both wheat and grain sorghum in the U.S. Thus, the two crops play a vital role in our state's agricultural economy. This funding will allow us to continue research that allows us to combat emerging diseases in these crops and to find better ways to market them as well.

Again, I thank the Chairman for his efforts on this legislation. As always, he and staff—Rebecca Davies, Martha Scott Poindexter, Les Spivey, and Hunt Shipman—have taken very difficult budget numbers and have gone

out of their way to address the needs of the constituents of all members of the Senate. They should be applauded for their work, and I urge my colleagues to support quick passage of this important piece of legislation.

Mr. WARNER. Mr. President, during consideration of the 1990 Farm Bill, a provision was inserted granting the USDA Graduate School the ability to enter non-competitive, interagency agreements for the provision of training services to other agencies. The Graduate School pursues and enters into these side agreements with other Federal agencies on a non-competitive basis. The private sector is shut out, unable to bid on these contracts.

Section 1669 enables the United States Department of Agriculture Graduate School (Graduate School) to accept non-competitive agreements from federal agencies to provide training and other human resource services. The provision limits—and even discourages—competition in contracting, the cornerstone of fair and equitable pricing in the award of government contracts.

Despite its name and 80-year history, the Graduate School is not a part of the federal government. The Comptroller General of the United States ruled that the Graduate School is a "Non-Appropriated Fund Instrumentality" (NAFI). NAIs do not receive budget authority or appropriations from Congress and are supported entirely by fees or prices for their services. Like other NAIs the Graduate School is not subject to the Federal Acquisition Regulations, the Freedom of Information Act, or other laws and regulations governing the operations of federal agencies. The Comptroller General ruled that the Graduate School, as a NAFI, is not a proper recipient of interagency order from Government agencies for training services. And under law, these orders are only permissible if a commercial enterprise can't provide the goods or services as conveniently or cheaply.

Various federal laws do indeed provide preferential treatment for economically disadvantaged firms in the award of government contracts. Under these programs administered and monitored by federal agencies, such as the Small Business Administration, Department of Labor, and Department of Commerce, many small businesses, minority-owned enterprises, and firms in labor surplus areas qualify by meeting established regulatory standards.

The Graduate School, however is not economically disadvantaged. The Graduate School earned net profits exceeding \$13 million over the past five years. Effective on the close of its 1998 fiscal year on September 30, its net worth was \$18.5 million; its aggregate retained earnings (1993-1998) were \$13.3 million, and its current asset/liability ratio was 2.01. In spite of this finan-

cially advantageous position, the Graduate School pays "bargain rate" non-profit postage, receives donated space and services from federal agencies, and pays no federal income tax.

Only the Graduate School benefits from the preferential treatment afforded by Section 1669.

The Graduate School has government subsidized facilities in Washington, D.C., Chicago, Philadelphia, Honolulu, Atlanta, Dallas, and San Francisco. It offers a range of business, finance and management courses that could be offered by hundreds of local community colleges or private training firms.

The Graduate School benefits at the expense of small and large tax-paying businesses and is not selling any commodity they could not provide. Indeed, many large and small-business training enterprises are ready, willing, and able to compete for the Graduate School's share of agency training budgets.

Mr. President, competition requires a level playing field. Without it, American taxpayers take the hit. And agencies and taxpayers are not receiving the benefits for quality and pricing that competition provides. In Section 1669 restrictive, narrowly based, preferential legislation undermines proven forces of the market economy to determine fair and equitable prices. Section 1669 of the 1990 Agriculture Act (PL 101-624) must be repealed.

Mr. DORGAN. Mr. President, yesterday the Senate passed by a margin of 74-21 the Jeffords-Dorgan amendment to allow for importation of FDA-approved prescription medicines by licensed pharmacists and drug wholesalers. This amendment addresses a very important issue for American consumers, especially for senior citizens who must pay for their medicines out of their own pockets. The same medications sold in the United States are also sold in Canada and other countries, often at substantially lower prices. This amendment has the potential to save American consumers millions of dollars by giving them access to their medicines at these lower prices at their local pharmacies.

I am pleased that this amendment has the support of the National Community Pharmacists Association, and I ask unanimous consent that a letter of support from the NCPA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COMMUNITY
PHARMACISTS ASSOCIATION,

July 17, 2000.

Re H.R. 4461—Ag Appropriations Jeffords/Dorgan/Wellstone et al., amendment.

DEAR SENATOR: On behalf of the independent pharmacists in your state, I would like to express the National Community Pharmacists Associations' endorsement of the strongly bipartisan cited amendment that safely allows American consumers to benefit from international price competition for prescription medicines.

The Jeffords/Dorgan/Wellstone amendment is designed to permit the importation of prescription drugs by American pharmacies so long as the drugs meet Food and Drug Administration standards, including compliance with current good manufacturing practices. Such FDA-approved drugs are sold in Canada, the United Kingdom, EU countries, and other countries for prices considerably lower than the best prices available to retailers in this country. We agree with its sponsors that it "is a fair commonsense, free-market approach to lowering drug prices for constituents while benefiting small businesses" and that "it's outrageous that Americans should have to resort to crossing borders to purchase their prescriptions. We should be able to buy our medications at reasonable prices from pharmacies in our neighborhoods."

This amendment encourages and supports the role of pharmacists in our health care system and strengthens their ability to continue to provide affordable, critical products and services. It also will likely encourage more employers to continue and even initiate prescription drug coverage for their employees.

The objectives of this amendment are fully compatible with the 1988, Prescription Drug Marketing Act [PL 100-293] authored by your former colleague Spark Matsunaga and the dean of the House of Representatives, Representative John Dingell. This law in an effort to prevent the importation of counterfeit or adulterated prescription drugs banned reimportation of all prescription drugs, except by manufacturers. The proposed amendment would authorize importation including reimportation by legitimate pharmacists, pharmacists buying groups and wholesalers. Under the amendment, pharmacies and wholesalers importing drugs would still have to meet the same standards set by FDA, which allowed \$12.8 billion worth of Rx drugs to be imported into the U.S. by manufacturers in 1997.

Obviously, imports by legitimate businesses including the independent pharmacies will not increase counterfeit drugs and will not put the health of American consumers at risk. To claim otherwise would at best be deceptive.

According to the United States International Trade Commission staff, more than 16% of the prescription drugs consumed by American patients were in fact imported. Typical, would be a nasal inhaler for asthma patients whose labeling reads "Assembled in Great Britain from products manufactured in Great Britain, Sweden, and Finland and manufactured for Astra USA, Inc. Westborough, MA."

Further, the amendment provides for a paper trail to assure that the drugs are properly transported and stored; and to prevent the importation of counterfeit, adulterated or other inappropriate prescription drugs. It also allows for testing of imported drugs when appropriate.

It is noteworthy that both the FDA and the PMA (now PhRMA) testified against and otherwise opposed the 1988 reimportation provision. Now the drug maker organization has done a 180, claiming that limiting reimports to them protects the public and disingenuously claiming that community retail pharmacy is not a competitive marketplace and that, consequently, any lower acquisition cost available to community pharmacies would benefit consumers only if pharmacies were forced through price controls to pass on savings to patients.

The truth is that the community pharmacy marketplace has virtually all of the

characteristics of a healthy competitive marketplace. It has a significant number of widely dispersed, diversely owned businesses that are readily available to consumers. These competitive businesses predictably have modest gross margins or markups and low profits. What these businesses do not have is access to fairly priced branded Rx's based on economies of scale. Drugmakers, through discriminatory pricing practices, are responsible for this unhealthy characteristic of the community pharmacy marketplace.

In addition to the strong and growing number of bipartisan cosponsors, Congress has already taken key steps in support of the Jeffords/Dorgan/Wellstone approach. On April 6, 2000, the Senate approved the Gorton/Jeffords Sense of the Senate resolution that the "cost disparity between identical prescription drugs sold in the United States, Canada and Mexico should be reduced or eliminated." On Monday, July 10, 2000, two relevant and significant amendments were approved by the House of Representatives on the Agriculture Appropriation bill, H.R. 4461. The first amendment was approved 363 to 12. It forbids the FDA from enforcing the ban on reimportation. The second amendment was approved 370 to 12. It prevents any FDA action regarding prescription drugs manufactured in FDA approved facilities in the US, Canada and Mexico. Notably, the House Commerce Committee Chairman and its five subcommittee chairs voted for both of these amendments.

A recent survey by the Senior Citizens League found that 88% of seniors favor the Jeffords/Dorgan/Wellstone amendment to allow safe prescription drugs to be imported from Canada and other countries.

The small businesses, independent health care professionals we represent are the preferred choice of American consumers. Our members function in the market in a variety of forms. They do business as single stores ranging from apothecaries to full line high volume pharmacies; as independent chains (e.g. 100 pharmacies) and as franchises (e.g. Medicine Shoppe, 1200 pharmacies). Whatever the form of business entity, however, independent pharmacists are the decision makers for this wide variety of NCPA member companies.

The most in depth consumer survey to date conducted by *Consumer Reports*, involving 15,000 consumers, published last fall, found that consumers preferred independently owned pharmacies for several reasons: Independents provided more personal attention; Independents provided more useful information about both prescription and non-prescription drugs; Independent druggists were seen as more professional, more sensitive to families' needs, and easier to talk to; Independents kept consumers waiting less time for drugs, had prescriptions ready for pickup more often, and provided out-of-stock medicine faster.

Our 1200 plus independently owned members in the Medicine Shoppes franchise were ranked second; the supermarket drugstores were third, the mass merchandisers were fourth; and the worst stores overall were the big corporate run chains. No preference was expressed for mail order.

The community pharmacist of today is simultaneously a health care professional and a small businessperson. As owners, managers, and employees of independent pharmacies, our member's 30,000 pharmacies and our 75,000 are committed to provide legislative and regulatory initiatives, which are designed to protect the public; to provide them

a level playing field and a fair chance to compete; and to provide quality pharmacists services to your constituents. The Jeffords/Dorgan/Wellstone et. al. amendments with its safe, but free trade approach, meets each of these criteria.

We urge you to vote for the Jeffords/Dorgan/Wellstone amendment to H.R. 4461. It will unleash market forces to help reduce the cost of safe prescription drugs for all of your constituents, including seniors.

Warm Regards,

JOHN M. RECTOR,
Senior Vice President,

Government Affairs and General Counsel.

Mr. KOHL. Mr. President, I congratulate Senator COCHRAN, my chairman, and his fine staff for the efficient completion of S. 2536. My friend from Mississippi has conducted this debate—as he always does—in a balanced, fair, and non partisan manner. He is a gentleman and a friend, and it is an honor and a pleasure to work with him.

The bill we just passed includes funding for a wide variety of programs important to the American people. This is especially true now due to economic conditions in rural America which have not kept pace with the general prosperity enjoyed by most Americans.

The bill also responds quickly and adequately to the very real crisis that has hit the dairy industry across this nation. Last December, milk prices dropped unexpectedly and dramatically. Today, the base price farmers receive for their milk is \$9.46. The average base price for 1998 was \$14.21, and the average for 1999 was \$12.43.

Those cold numbers cannot express the hard damage that has been done to dairy farmers and their families throughout my State, and throughout the nation. They add up to families that have stopped milking after generations, and rural towns that are collapsing as farms disappear. America's dairyland is in real danger of becoming a wasteland.

And today with this bill, the Senate has responded with emergency payments to the small farmers hardest hit by this disaster. I am proud of this institution for putting aside regional differences and interests, and for seeing this provision as—not just helping Wisconsin farmers, or Vermont farmers, or Pennsylvania farmers—but as helping American families.

I also thank the Senator from West Virginia, the distinguished ranking member of the Appropriations Committee, for his vital assistance in securing these emergency dairy payments. At the end of last year, when we spent a great deal of the Senate's time on dairy issues, he listened to me and to the unique struggles of Wisconsin dairy farmers. He said then he would do whatever he could to help. And he has. He is a man who speaks some of the most inspiring and powerful words spoken on the Senate floor—and he is a man of those words. It is an honor to serve with him.

This is a good bill and, again, we should all congratulate Senator COCHRAN for his fine leadership of our subcommittee. I also want to thank the members of my staff who have helped make this process run as smoothly as it has this year: Paul Bock, my chief of staff, and Ben Miller, who is new on my staff this year, have done a fine job. Special thanks goes to the subcommittee's minority clerk, Galen Fountain, without whom I do not believe there could be an Agriculture bill in the Senate. His knowledge of the subject, his patience, his loyalty, and his work ethic are legendary around here, and deservedly so.

I look forward to moving this bill through conference quickly, and having a solid Agriculture budget in place well before October 1st.

I yield the floor.

Mr. COCHRAN. Mr. President, there are no more amendments. I appreciate very much the cooperation of all Senators. We are ready to go to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Did we just pass the bill?

The PRESIDING OFFICER. The Chair has not yet announced the final passage of the bill.

Mr. SMITH of New Hampshire. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 13, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—79

Abraham	Durbin	McConnell
Akaka	Edwards	Mikulski
Ashcroft	Feinstein	Moynihan
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Reed
Bennett	Gorton	Reid
Biden	Grams	Robb
Bingaman	Grassley	Roberts
Bond	Gregg	Rockefeller
Breaux	Hagel	Roth
Brownback	Harkin	Santorum
Bryan	Hatch	Sarbanes
Burns	Helms	Schumer
Byrd	Hollings	Sessions
Campbell	Hutchinson	Shelby
Chafee, L.	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stevens
Conrad	Kohl	Thomas
Craig	Landrieu	Thompson
Crapo	Lautenberg	Thurmond
Daschle	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NAYS—13

Allard	Kyl	Smith (NH)
Enzi	Lieberman	Torricelli
Feingold	Mack	Voinovich
Graham	McCain	
Gramm	Nickles	

NOT VOTING—7

Boxer	Kennedy	Murray
Bunning	Kerrey	
Inouye	Kerry	

The bill (H.R. 4461), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists on its amendments and requests a conference with the House, and the Chair appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to express my deepest appreciation for the excellent cooperation of our professional staff members of the Appropriations Committee. Our subcommittee staff, in particular, led by our chief clerk, Rebecca Davies, and other staff members, including Martha Scott Poindexter; Hunt Shipman; Les Spivey; and Coy Neal; the minority professional staff, Galen Fountain and Carole Geagley; the full committee staff member, Jay Kimmitt; Senator KOHL's personal staff members, Ben Miller and Paul Bock. They were all enormously helpful in the handling of this legislation and the passage of this legislation tonight in the Senate. For all of their assistance, I am deeply grateful.

I also have to thank Senator HERB KOHL, the distinguished ranking member of the Democratic side of the aisle on this subcommittee.

I appreciate the able assistance we received during the final, crucial stages of the handling of this bill from Senator LOTT, the majority leader; Senator STEVENS, chairman of the full Committee on Appropriations; and Senator REID of Nevada, who provided assistance all during the handling of the bill on the floor of the Senate today. We appreciate all of the good work they did. We also thank all Senators for permitting us to pass this legislation tonight.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I thank the manager of the Agriculture appropriations bill for allowing me to begin this unanimous consent request and for his patience in working through this long series of amendments. Again, I thank HARRY REID and Senator DASCHLE for their work with us. We have a unanimous consent request so Senators will know how to proceed tonight.

Mr. President, I ask unanimous consent that the Senate proceed to the reconciliation/marriage tax relief conference report to H.R. 4810, and there be up to 90 minutes for debate this evening, to be equally divided between the two managers.

I further ask unanimous consent that when the Senate reconvenes at 9 a.m. on Friday, there be 30 minutes of debate on the marriage tax penalty conference report, to be equally divided between the two managers, and following the use or yielding back of time, the Senate proceed to the vote on adoption of the reconciliation/marriage tax relief conference report, without any intervening action, motion, or debate.

I further ask consent that following the disposition of the marriage tax relief conference report on Friday, the Senate immediately proceed to executive session in order to consider the following nominations, that they be considered en bloc, confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified, and the Senate return to legislative session. Those nominations are:

Johnnie Rawlinson, to be a Ninth Circuit Judge; Dennis Cavanaugh, to be a district judge; John E. Steele, to be a district judge; Gregory Presnell, to be a district judge; and James Moody, to be a district judge.

If we can get an agreement, Senator DASCHLE and I are prepared to go forward with the Department of Defense appropriations bill. We don't have that yet, but we will try to clear that on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE, Senator REID, and Senator COCHRAN for their help in this matter.